

12:8-1.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 72 (Revises pilotage laws)

NJSA: 12:8-1.1

BILL NO: S1375 (Substituted for A1983)

SPONSOR(S) Codey and Ciesla

DATE INTRODUCED: March 22, 2004

COMMITTEE: **ASSEMBLY**
SENATE: Transportation

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 24, 2004

SENATE: June 21, 2004

DATE OF APPROVAL: July 1, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Senate Committee Substitute (1R) enacted

S1375

[SPONSOR'S STATEMENT:](#) (Begins on page 17 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

A1983

[SPONSOR'S STATEMENT:](#) (Begins on page 17 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)
Identical to Senate Statement to S1375

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

§§1,2,4 -
C.12:8-1.1 to
12:8-1.3
§31 - C.12:8-8.1
§32 - C.12:8-24.1
Title 12.
Chapter 8.
Article 6. (New)
Appointment,
Qualification
and Licensing of
Docking
Pilots and
Apprentices
§§33-37 -
C.12:8-49
to 12:8-53
§38 - C.12:8-17.1
§39 - C.12:8-35.1
§40 - Repealer
§41 - Note

P.L. 2004, CHAPTER 72, *approved July 1, 2004*
Senate Committee Substitute (*First Reprint*) for
Senate, No. 1375

1 **AN ACT** concerning pilotage, amending various parts of the statutory
2 law and supplementing chapter 8 of Title 12 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) The Legislature finds and declares:

9 a. The State of New Jersey has responsibility for port security in
10 the Port of New York and New Jersey and, pursuant to federal law,
11 has the right and responsibility to regulate maritime pilotage in the
12 port.

13 b. In the aftermath of the terrorist attacks of September 11, 2001,
14 increased emphasis has been required by both the federal and state
15 governments on homeland security, with particular attention to the
16 security of American ports.

17 c. Although efforts have been made to enhance the defense of the
18 New York and New Jersey port area from terrorist attacks and to
19 implement improved immigration and customs procedures,
20 modernization and clarification of New Jersey's laws relating to those
21 who pilot and dock foreign and domestic vessels have not yet
22 occurred.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted June 10, 2004.

1 d. There is a need to provide for a system that will ensure the
2 proper and consistent identification, training, selection, oversight and
3 monitoring of both maritime pilots and docking pilots.

4 e. It is therefore in the public interest to modernize, clarify, revise
5 and expand New Jersey's maritime pilotage laws, and to strengthen the
6 New Jersey pilotage commission by expanding its powers and duties
7 and clarifying that docking pilots are under its jurisdiction.

8 f. It is further in the public interest that the commission be charged
9 with the concurrent responsibility to ensure the safe operation and
10 navigation of vessels, to protect the environment and enhance the
11 economic viability of the port.

12
13 2. (New section) As used in chapter 8 of Title 12 of the Revised
14 Statutes:

15 "Apprentice" means a person who is listed as a qualified apprentice
16 with the commission pursuant to section 34 of P.L. , c. (C.)(now
17 before the Legislature as this bill) or who is on the commission's books
18 as an apprentice pursuant to R.S.12:8-10, R.S.12:8-11 or R.S.12:8-12.

19 "Bar of Sandy Hook" or "bar" means the built-up area under the
20 waters between the northern most point of Sandy Hook extending
21 generally northeastward to the south shore of Long Island caused by
22 a deposit of sediment. The location of the bar is not static.

23 "Commission" means the New Jersey Maritime Pilot and Docking
24 Pilot Commission established pursuant to R.S.12:8-1.

25 "Commissioners" means the commissioners of maritime and
26 docking pilots appointed by the Governor pursuant to R.S.12:8-1.

27 "Docking pilot" means a person licensed by the commission and
28 entered in the register maintained pursuant to section 36 of P.L. ,
29 c. (C.)(now before the Legislature as this bill).

30 "Independent Pilot Association" means any association of pilots or
31 docking pilots, other than the United New York or New Jersey Sandy
32 Hook Pilots' Benevolent Associations, whose members are qualified
33 to pilot vessels in pilotage waters.

34 "Maritime pilot," "Licensed pilot" or "Sandy Hook pilot" means a
35 person who is licensed by the commission to pilot regulated vessels
36 pursuant to R.S.12:8-12 and who is a member of the United New
37 Jersey Sandy Hook Pilots' Benevolent Association or the United New
38 York Sandy Hook Pilots' Benevolent Association.

39 "Pilotage waters" means boundary waters of the states of New
40 Jersey and New York, ports on those boundary waters, the Sandy
41 Hook, Raritan, Upper and Lower Bays of the Port of New York and
42 New Jersey; the rivers Raritan, Hackensack, Passaic and Shrewsbury,
43 Newark Bay, Arthur Kill, Kill van Kull, the Bar at Sandy Hook and
44 waters easterly of the Bar on which regulated vessels navigate when
45 entering or departing the port of New York and New Jersey, ports
46 south of Sandy Hook to Atlantic City and waters easterly of these

1 ports which regulated vessels navigate when entering or departing
2 these ports.

3 "Pilots' Association" or "association" means the United New Jersey
4 Sandy Hook Pilots' Benevolent Association or the United New York
5 Sandy Hook Pilots' Benevolent Association.

6 "President" means the president of the commission.

7 "Regulated vessel" means a vessel required by the laws of the
8 states of New Jersey or New York to take a state licensed maritime
9 pilot.

10 "Tugboat" means any vessel employed to assist the movement of
11 a regulated vessel on pilotage waters.

12

13 3. R.S. 12:8-1 is amended to read as follows:

14 12:8-1. The governor, by and with the advice and consent of the
15 senate, shall appoint six commissioners of [pilotage] maritime and
16 docking pilots, hereinafter in this chapter called "commissioners", who
17 shall hold their offices, respectively, for three years and until a
18 successor is appointed and qualified. No more than three of the
19 commissioners shall be members of the same political party, and they
20 shall be selected from among such persons as have been officers in our
21 naval, [revenue] Coast Guard or merchant service, or [such as have
22 been commanders of vessels engaged in our coasting trade] have been
23 duly qualified as United States Merchant Marine Officers.

24 The Board of Commissioners of Pilotage of the State of New
25 Jersey, together with its functions, powers and duties is continued as
26 the New Jersey Maritime Pilot and Docking Pilot Commission (the
27 "commission") but is transferred to the Department of Transportation.
28 The commission shall be in, but not of, the Department of
29 Transportation. This transfer shall be subject to the "State Agency
30 Transfer Act," P.L.1971, c.375 (C.52:14B-1 et seq.). Nothing in this
31 section shall be construed as affecting the terms of office of the
32 present commissioners of pilotage. The commission shall consist of
33 the commissioners appointed pursuant to this section.

34 Each January, the commission shall elect from its membership a
35 president, vice president, treasurer and secretary. The commission
36 may employ an executive director and other employees on such terms
37 and conditions as it deems appropriate, without regard to the
38 provisions of Title 11A of the New Jersey Statutes.

39 The commissioners and officers and employees of the commission
40 shall be enrolled in the Public Employees' Retirement System and shall
41 be eligible to participate in the State Health Benefits Program
42 established pursuant to the "New Jersey State Health Benefits Program
43 Act," P.L.1961, c.49 (C.52:14-17.25 et seq.). The commissioners and
44 officers and employees who may currently be members of the Public
45 Employees' Retirement System shall continue in membership.

46 In case any commissioner shall die or resign, or otherwise become

1 disqualified to act, the governor shall forthwith fill such vacancy in the
2 same manner and for the same term as an original appointment.

3 A true copy of the minutes of every meeting of the commission
4 shall be forthwith delivered by and under the certification of the
5 secretary thereof to the Governor. No action taken at that meeting by
6 the commission shall have force or effect until the earlier of 15 days,
7 exclusive of Saturdays, Sundays and public holidays, after the copy of
8 the minutes shall have been so delivered, or the approval thereof by
9 the Governor. If, in the 15-day period, the Governor returns the copy
10 of the minutes with veto of any action taken by the commission or any
11 member thereof at that meeting, the action shall be null and of no
12 effect. The minutes of any meeting at which the commission proposed
13 or approves its operating or capital outlay budget shall include a copy
14 of that budget. This paragraph shall not apply to any disciplinary
15 proceedings or actions taken by the commission.¹

16 (cf: R.S.12:8-1)

17

18 4. (New section) On and after the effective date of P.L. , c.
19 (C.) (now before the Legislature as this bill) any reference in any
20 law, rule, regulation, order, contract or document to the "Board of
21 Commissioners of Pilotage of the State of New Jersey" or the "board
22 of New Jersey pilot commissioners" shall be deemed to mean or refer
23 to the New Jersey Maritime Pilot and Docking Pilot Commission in
24 but not of the Department of Transportation.

25

26 5. R.S.12:8-2 is amended to read as follows:

27 12:8-2. The [commissioners] commission may make and establish
28 such rules, orders and regulations, in accordance with the
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
30 seq.), not inconsistent with the constitutions or the laws of this state
31 or of the United States, for the better government of the maritime
32 pilots, [with] docking pilots, and apprentices, as defined in section 2
33 of P.L. c. (C.) (now before the Legislature as this bill), to ensure
34 safe operation of vessels and safe navigation, and to ensure the most
35 current and exacting levels of training and may provide for such fines
36 and penalties for the violation [thereof] of these rules, orders and
37 regulations, as [they] it shall deem proper. [They] It may from time
38 to time revoke or amend any such rule, order or regulation.

39 (cf: R.S.12:8-2)

40

41 6. R.S.12:8-3 is amended to read as follows:

42 12:8-3. No commissioner shall [be concerned or] have any direct
43 or indirect financial interest in the pilotage business.

44 (cf: R.S.12:8-3)

1 7. R.S.12:8-4 is amended to read as follows:

2 12:8-4. The [commissioners, as compensation for their services
3 under this chapter, shall be entitled to receive one and one-half per
4 cent on the fees received by the pilots for pilotage, to be divided
5 among the commissioners according to the days they may have,
6 respectively, attended at any meeting] commission shall from time to
7 time establish the percentage of the fees received by maritime pilots
8 for pilotage which is to be remitted to the commission for its services
9 under this chapter. However, the percentage amount shall not be
10 greater than three percent of the pilotage fees. The amount received
11 by the commission shall be used to pay the commission's administrative
12 expenses including, but not limited to, the compensation of the
13 commissioners, their expenses, rent, utilities, employee salaries and
14 benefits. Compensation of the commissioners shall be \$28,000 per
15 annum. They shall not be entitled to receive [said] the commissions
16 on extra pilotage for boarding off-shore, or for fees received for what
17 is called transportation or harbor pilotage or any percentage of the
18 fees received by docking pilots.

19 (cf: R.S.12:8-4)

20

21 8. R.S.12:8-5 is amended to read as follows:

22 12:8-5. The [commissioners] commission shall lay before the
23 legislature, the Governor and the State Treasurer annually[, as early
24 as the second week of the session]:

25 a. [All bonds taken by the commissioners pursuant to section
26 12:8-17 of this title;] (Deleted by amendment, P.L. , c.) (now
27 before the Legislature as this bill);

28 b. [An abstract] A report of the [proceedings] activities of the
29 [commissioners] commission within the [then] last year;

30 c. A statement of the number of licensed maritime pilots [in
31 commission], docking pilots and the number of vessels taken in and
32 out; and

33 d. Such observations in relation to the system of pilotage as in
34 [their] its opinion may tend to the benefit of the cause of commerce
35 and be of advantage to the general interest of the state.

36 The report shall also include: (1) The commission's receipts and
37 disbursements or revenues and expenses during that year in accordance
38 with the categories and classifications established by the commission
39 for its own operating and capital outlay purposes and as may be
40 requested by the State Treasurer;

41 (2) Its assets and liabilities at the end of the year;

42 (3) A list of all contracts exceeding \$17,500 entered into during
43 the year; and

44 (4) A table of organization of the commission's employees.

45 (cf: R.S.12:8-5)

1 9. R.S.12:8-6 is amended to read as follows:

2 12:8-6. The president or in the absence of the president, any
3 member of the [board of New Jersey pilot commissioners]
4 commission may administer [an] the oath of office to any newly
5 appointed commissioner, deputy maritime pilot, full branch maritime
6 pilot, docking pilot or apprentice and an oath to any person
7 [preferring or rebutting a complaint] appearing before the [board]
8 commission. By majority vote of the authorized membership, the
9 commission may cause the issuance of subpoena to compel the
10 appearance of persons or the production of documents for use in
11 accident investigations, incident investigations, licensure investigations
12 and revocation proceedings.

13 (cf: R.S.12:8-6)

14

15 10. R.S.12:8-7 is amended to read as follows:

16 12:8-7. [From any judgment, order or direction of the
17 commissioners affecting a pilot, an appeal may be taken to the
18 governor, who may affirm, reverse or modify the same. The appeal
19 shall be in writing, signed by a majority of the pilots and delivered to
20 the governor within twenty days after the judgment, order or direction
21 shall be promulgated by the commissioners, and shall state the
22 judgment, order or direction complained of and the grounds of the
23 appeal. A copy of the appeal shall be served upon the secretary of the
24 board of commissioners] An order or judgment of the commission
25 shall be considered final agency action for the purposes of the
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
27 and shall be subject only to judicial review as provided in Rules of
28 Court. Any and all proceedings, hearings or meetings of the
29 commission shall be conducted in conformance with the "Open Public
30 Meetings Act," P.L.1975, c.231 (C. 10:4-6 et seq.) including
31 disciplinary and license proceedings, complaints against pilots by users
32 of pilotage services, rate disputes, and any other proceeding resulting
33 in an opinion or order of the commission.

34 (cf: R.S.12:8-7)

35

36 11. R.S.12:8-8 is amended to read as follows:

37 12:8-8. Whenever the services of a maritime pilot [by way of
38 Sandy Hook is] are required to pilot a vessel in pilotage waters,
39 [sailing from any other port in the United States bound in or over the
40 bar of Sandy Hook or into any bays, rivers, harbors, or ports of the
41 waters of this State between Sandy Hook, in the county of Monmouth
42 and the city of Atlantic City, in the county of Atlantic, written
43 application for the pilot must first be made by the master, owner or
44 consignee of the vessel to the commissioners. The commissioners
45 shall thereupon designate] the maritime pilots so to be employed shall

1 be employed in rotation[, according to the designated number of boats
2 in service, beginning with the lowest number, so that the company of
3 every boat in the service shall in their turn have the right to avail of
4 such employment].

5 The [commissioners] commission shall [enforce this regulation
6 by proper bylaws] approve any changes in the rotation system by
7 regulation.

8 Nothing in this chapter shall be construed to authorize the
9 commission to establish, affect, regulate or control any rotation system
10 or method of assignment of docking pilots or to approve or disapprove
11 any changes in the contractual relationships between docking pilots
12 and shipping or tugboat companies.

13 (cf: P.L.1991, c.76, s.1)

14

15 12. R.S.12:8-9 is amended to read as follows:

16 12:8-9. No person shall be licensed as a maritime pilot or docking
17 pilot of this state[, by way of Sandy Hook], except as hereinafter in
18 this chapter provided.

19 (cf: R.S.12:8-9)

20

21 13. Section 6 of P.L.1991, c.76 (C.12:8-9.1) is amended to read
22 as follows:

23 6. Nothing in this amendatory and supplementary act shall be
24 construed to extend the requirement of pilotage to any type of vessel
25 that is not required to be piloted pursuant to [chapter 8 of Title 12 of
26 the Revised Statutes] the laws of this State, and any rules or
27 regulations established thereunder by the [Board of Commissioners of
28 Pilotage of the State of New Jersey, Division of Coastal Resources,
29 Department of Environmental Protection] commission or that is
30 otherwise exempted from the requirements of state pilotage
31 regulations by statutes of the United States.

32 (cf: P.L.1991, c.76, s.6)

33

34 14. R.S. 12:8-10 is amended to read follows:

35 12:8-10. The pilot boats employed by or belonging in whole or in
36 part to the United New Jersey Sandy Hook Pilots' Benevolent
37 Association, or to the United New Jersey Sandy Hook Pilots'
38 Association, shall be the only maritime pilot boats in the New Jersey
39 Sandy Hook pilot service, or in any bays, rivers, harbors, or ports of
40 the waters of this State or approaches to the waters of this State
41 between Sandy Hook, in the county of Monmouth and the city of
42 Atlantic City, in the county of Atlantic. Apprentices shall be attached
43 to the pilot boats of said association and the pilot boats may have
44 more than one apprentice.

45 The apprentices shall be entered in the books of the

1 [commissioners] commission in the name of and indentured to the
2 [executive committee of the association or the board of directors of
3 the] association, and shall serve as apprentices under the laws of this
4 State.

5 [Said executive committee or board of directors] The association
6 shall have the sole control of all apprentices, subject to the regulations
7 of the commission, until they have served [the full] a term of at least
8 four years and shall see that all apprentices entered in the
9 [commissioners'] commission's books [in its name] are fully
10 instructed in their duties in such manner as is necessary to fully qualify
11 them in every respect to perform the duties of a [Sandy Hook]
12 maritime pilot.

13 Docking pilot boats may be employed by docking pilots for the
14 performance of their duties as needed.

15 (cf: P.L.1991, c.76, s.2)

16

17 15. R.S. 12:8-11 is amended to read as follows:

18 12:8-11. Apprentices shall serve at least four years [and at least
19 three consecutive years as apprentice, boat keeper or assistant boat
20 keeper] and for such longer periods of time as may be required by the
21 commission. They shall be examined by the [commissioners]
22 commission as directed by law and thereafter licensed as a deputy
23 maritime pilot, at the discretion of the [commissioners] commission.
24 The apprentices herein provided for shall be the only apprentices to be
25 appointed or employed by the New Jersey Sandy Hook pilots.

26 (cf: R.S.12:8-11)

27

28 16. R.S. 12:8-12 is amended to read as follows:

29 12:8-12. [Every person who shall have served two years as a
30 deputy pilot shall be entitled to be examined and licensed as a full
31 branch pilot, if found qualified] Only a person who has successfully
32 served an apprenticeship with the United New Jersey or New York
33 Sandy Hook Pilots' Benevolent Associations and passed an
34 examination approved by the commission shall be licensed as a deputy
35 maritime pilot or maritime pilot of the State of New Jersey. A person
36 so licensed is to be known as a Sandy Hook Pilot. No New Jersey
37 licensed maritime pilot or deputy maritime pilot may be licensed by
38 another state without the prior permission of the commission and
39 under such terms and conditions as the commission may require.

40 (cf: R.S.12:8-12)

41

42 17. R.S.12:8-13. is amended to read as follows:

43 12:8-13. [The commissioners, or a majority of them,] Upon a
44 specific finding of an emergency, the commission may permit for such
45 time as the emergency exists and at [their] its discretion, any person

1 to act as a [branch] maritime or docking pilot as hereinafter provided
2 for, off the bar of Sandy Hook, or of the river Raritan, or of the harbor
3 of Jersey City, Newark or Perth Amboy, after having examined such
4 person in the manner hereinafter mentioned and made such inquiries
5 respecting [him] such person and [his] the person's qualifications as
6 to the [commissioners] commission shall appear necessary and
7 expedient.

8 (cf: R.S.12:8-13)

9
10 18. R.S.12:8-14 is amended to read as follows:

11 12:8-14. The [commissioners] commission, before granting to an
12 applicant a [branch or] license to [act] serve as a [pilot or] deputy
13 maritime pilot, shall [call the applicant before them and examine him
14 or cause him to be examined touching his qualifications for such an
15 employment, and,] require the applicant to pass a qualifying
16 examination approved by the commission for such service, examining
17 in particular, [his] the applicant's knowledge of the tides, soundings,
18 bearings and distances of the several shoals, rocks, bars and points of
19 land, and such other matters deemed by the commission as relevant to
20 the safe navigation of vessels in the navigation for which [he] the
21 applicant applies for a [branch or] license. Only an applicant certified
22 by the New Jersey or New York Sandy Hook Pilots' Benevolent
23 Association as having successfully completed the apprenticeship shall
24 be eligible to apply for a license to serve as a maritime deputy pilot.

25 The examination shall be prescribed, administered and graded
26 under the supervision of the commission and may be conducted in the
27 presence of one or more full maritime branch pilots of this [state who
28 shall be personally notified to attend, but if the pilot or pilots so
29 notified fail to attend, the examination may be held without their
30 assistance or presence] State. The commission shall by regulation
31 establish grades of maritime pilots. For each grade, the commission
32 shall specify the draft and tonnage of vessels a maritime pilot in that
33 grade is authorized to pilot and the time in grade required to advance
34 to the next highest grade. Maritime pilots achieving the highest grade
35 shall be full branch maritime pilots.

36 (cf: R.S.12:8-14)

37
38 19. R.S.12:8-15 is amended to read as follows:

39 12:8-15. Certificate of appointment as a maritime pilot. The
40 [commissioners] commission shall give to every person appointed by
41 [them] it as a [branch pilot or] deputy or full branch maritime pilot,
42 a certificate of appointment or license signed by a majority of [them,
43 or by their chairman, or by their direction, which certificate shall be
44 presented to the Secretary of State] the commissioners. At the time
45 the commission advances a maritime pilot in grade, the secretary shall

1 endorse the certificate noting the advancement in grade.

2 (cf: P.L.1987, c.435, s.1)

3

4 20. R.S.12:8-16 is amended to read as follows:

5 12:8-16. Whenever a person [shall produce to the Governor, or,
6 in case of his absence from the seat of government, to the Secretary
7 of State, a certificate of appointment from the commissioners, or a
8 majority of them, the Governor or the Secretary of Sate, as the case
9 may be, shall administer to such person the following oath] is first
10 licensed as a maritime pilot, the president of the commission, or in the
11 absence of the president, any commissioner, shall administer to that
12 person the following oath:

13 "I, A.B., do solemnly swear (or affirm), that I will well and
14 faithfully, and according to the best of my skill and knowledge,
15 execute and discharge the business and duty of a [.....
16 branch] deputy or full branch maritime pilot for [the] pilotage waters
17 including, but not limited to, the bar, Jersey City, Newark, and Perth
18 Amboy and harbor of Sandy Hook, and any bays, rivers, harbors, or
19 ports of the waters of this State between Sandy Hook, in the county
20 of Monmouth and the city of Atlantic City, in the county of Atlantic,
21 and that I will at all times use my best endeavors to repair on board all
22 ships and vessels that I shall see and conceive to be bound for, or
23 coming into, or going out of the harbor and bodies of water aforesaid,
24 unless I am well assured that some other licensed pilot is then on
25 board the same; and I do further swear (or affirm), that I will, from
26 time to time and at all times, make the best dispatch in my power to
27 bring safely over the bar at Sandy Hook and into any bays, rivers,
28 harbors, or ports of the waters of this State between Sandy Hook, in
29 the county of Monmouth and the city of Atlantic City, in the county of
30 Atlantic, every vessel committed to my care in coming in or going out;
31 and that I will, from time to time and at all times, truly observe, follow
32 and fulfill, to the best of my skill, ability, and knowledge, all such
33 orders and directions as I shall or may receive from the
34 [commissioners of pilotage] New Jersey Maritime Pilot and Docking
35 Pilot Commission, relative to all matters or things that may appertain
36 to the duty of a pilot."

37 [The Secretary of State shall charge a fee of \$25.00 for
38 administering the oath.]

39 (cf: P.L.1991, c.76, s.3)

40

41 21. R.S. 12 8-18 is amended to read as follows:

42 12:8-18. The [commissioners] commission may direct all maritime
43 pilots [of the bar and harbor mentioned in section 12:8-13 of this title]
44 to deliver up their former and take out new licenses whenever so
45 required, but no maritime pilot shall be charged a fee for such a new

1 license. Every maritime pilot not complying with these conditions
2 shall forthwith forfeit his license and be disqualified to act as a
3 maritime pilot for twelve months, and shall afterwards obtain no
4 maritime pilot's license unless he be readmitted under the same
5 formalities as one applying in the first instance.

6 (cf: R.S. 12:8-18)

7

8 22. R.S. 12:8-19 is amended to read as follows:

9 12:8-19. The [commissioners or a majority of them may take
10 away the branch of any pilot or deputy pilot and declare his license
11 null and void whenever it shall appear to them that such pilot:

12 a. Has willfully infringed or violated this chapter or the orders of
13 the commissioners;

14 b. Has negligently lost any vessel under his care;

15 c. Is laboring under a mental derangement so as to be incapable of
16 attending to business; or

17 d. Is so addicted to the habits of intoxication as to be unfit to be
18 intrusted with the charge of a vessel] commission may, upon majority
19 vote of its authorized membership, revoke or suspend the license or
20 route or reduce the grade of a maritime pilot or the license of a
21 docking pilot who has willfully or negligently infringed on or violated
22 this chapter or the regulations of the commission, or has failed to
23 perform the duties in a manner expected of a prudent maritime pilot or
24 docking pilot or the commission may set such other conditions as it
25 deems appropriate for such infringement or violation. An order or
26 judgment of the commission shall be considered a final agency action
27 for the purposes of the "Administrative Procedure Act," P.L.1968,
28 c.410 (C.52:14B-1 et seq.) and shall be subject only to judicial review
29 as provided in Rules of Court.

30 (cf: R.S.12:8-19)

31

32 23. R.S.12:8-20 is amended to read as follows:

33 12:8-20. If a maritime pilot or a docking pilot has forfeited [his
34 branch] any license or is no longer entitled to the use of [his] such
35 license by virtue of sections 12:8-18 and 12:8-19 of this title, and of
36 section 36 of P.L. _____, c. _____ (C. _____) (now before the Legislature as
37 this bill), the [commissioners may call on him for] commission shall
38 demand the surrender of [his] the license. Upon [his] a refusal to
39 give up the license on demand, the [commissioners] commission shall
40 [publish a notice for one week in a newspaper or newspapers of Jersey
41 City or Newark, or in such other newspapers] notify those individuals
42 and agencies as [they] it shall deem appropriate and necessary, that
43 such person has no longer a right to act as a maritime pilot [until he
44 is reinstated according to law] or a docking pilot.

45 (cf: R.S.12:8-20)

1 24. R.S.12:8-21 is amended to read as follows:

2 12:8-21. Before a maritime pilot or a docking pilot shall be
3 deprived of ~~his~~ a ~~branch or~~ license, or suspended from acting
4 thereunder, or reduced in grade, he shall be ~~summoned by a notice in~~
5 ~~writing~~ compelled to appear before the ~~commissioners~~, at such time
6 as shall be specified in the notice, ~~commission~~ to show cause[,
7 if any he may have,] against his suspension or the revocation of his
8 ~~branch or~~ license or reduction in grade. The notice shall be
9 delivered to ~~him personally or be left at his usual place of abode, at~~
10 ~~least~~ such maritime pilot or docking pilot not less than fifteen days
11 before the time specified in the notice for his appearance. If the
12 maritime pilot or docking pilot neglects or refuses to appear before the
13 ~~commissioners~~ commission at the time specified in the notice, or if
14 the cause shown by him against his suspension, or the revocation of his
15 ~~branch or~~ license or reduction in grade shall appear insufficient to
16 the ~~commissioners~~ commission, ~~they~~ it may, upon a majority vote
17 of the full membership of the commission, either revoke ~~his branch~~
18 ~~or~~ the license or suspend him from acting as a maritime pilot or a
19 docking pilot or reduce him in grade; except that the president of the
20 commission, or in the absence of the president, the president's
21 designee, may immediately and temporarily, for a period not to exceed
22 30 days, suspend the license of any maritime pilot or docking pilot
23 upon a determination that, because of the maritime pilot's or docking
24 pilot's mental or physical health or use of alcohol or controlled
25 dangerous substance, the pilot cannot safely perform the pilot's duties.
26 An order or judgment of the commission shall be considered final
27 agency action for the purposes of the "Administrative Procedure Act,"
28 P.L.1968, c.410 (C.52:14B-1 et seq.) and shall be subject only to
29 judicial review as provided in the Rules of Court.

30 (cf: R.S.12:8-21)

31

32 25. R.S.12:8-31 is amended to read as follows

33 12:8-31. A maritime pilot who is carried to sea[,] when a boat is
34 attending to receive him shall receive at the rate of ~~one hundred~~ 500
35 dollars per ~~month~~ day and his reasonable expenses[,] during his
36 ~~necessary~~ absence.

37 (cf: R.S.12:8-31)

38

39 ¹[26. R.S.12:8-35 is amended to read as follows:

40 12:8-35. ~~All masters of foreign vessels and vessels from a foreign~~
41 ~~port, and all vessels sailing under register, bound in or over the bar of~~
42 ~~Sandy Hook or into any bays, rivers, harbors, or ports of the waters~~
43 ~~of this State between Sandy Hook, in the county of Monmouth and the~~
44 ~~city of Atlantic City, in the county of Atlantic, shall take a licensed~~
45 ~~pilot, or in case of refusal to take such pilot, the master, owner or~~

1 consignee shall pay the pilotage as if one had been employed, and such
2 pilotage shall be paid to the pilot first speaking or offering his services
3 as pilot to such vessel.] Every United States vessel and every foreign
4 vessel shall take a state-licensed maritime pilot when entering or
5 leaving pilotage waters and shall take a licensed maritime pilot or
6 docking pilot, as provided for herein, when otherwise underway in
7 pilotage waters. This requirement shall not apply to:

8 a. a vessel documented under the United States flag and operating
9 in a coastwise trade; or

10 b. a public vessel of the United States or a vessel otherwise
11 exempt from state pilotage regulation by United States law; or

12 c. a yacht of less than 200 feet in length.]¹

13 (cf: R.S.12:8-35)

14

15 ¹26. R.S.12:8-35 is amended to read as follows:

16 12:8-35. [All masters of foreign vessels and vessels from a foreign
17 port, and all vessels sailing under register, bound in or over the bar of
18 Sandy Hook or into any bays, rivers, harbors, or ports of the waters
19 of this State between Sandy Hook, in the county of Monmouth and the
20 city of Atlantic City, in the county of Atlantic, shall take a licensed
21 pilot, or in case of refusal to take such pilot,] Every United States
22 vessel and every foreign vessel shall take a state-licensed maritime
23 pilot when entering or leaving pilotage waters and shall take a licensed
24 maritime pilot or docking pilot, as provided for herein, when otherwise
25 underway in pilotage waters. This requirement shall not apply to:

26 a. a vessel documented under the United States flag and operating
27 in a coastwise trade; or

28 b. a public vessel of the United States or a vessel otherwise
29 exempt from state pilotage regulation by United States law; or

30 c. a yacht of less than 200 feet in length.

31 If a regulated vessel under way on state pilotage waters fails to
32 take a maritime pilot, the master, owner, agent or [consignee]
33 charterer shall pay the pilotage fees as if one had been employed [, and
34 such pilotage shall be paid to the pilot first speaking or offering his
35 services as pilot to such vessel] and be subject to penalties under the
36 commission's regulations.¹

37 (cf: R.S.12:8-35)

38

39 27. R.S. 12:8-39 is amended to read as follows:

40 12:8-39. Every master of a vessel shall give an account to the
41 maritime pilot and docking pilot, when boarding, of the [draft] deep
42 drafts, air drafts and other information necessary to the safe navigation
43 of the vessel. If the [draft given] information is [less than the actual
44 draft] not provided or incorrect, the master shall be liable to a penalty
45 of up to twenty-five thousand dollars which may be sued for by the
46 [New Jersey pilots under the certified order of the commissioners]

1 commission and applied [as directed in section 12:8-48 of this title]
2 to the General Fund of the State. Any proceeding of the commission
3 in this regard shall be conducted in accordance with the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
5 seq.), and any finding of the commission shall be considered final
6 agency action for the purposes of such statute and shall be subject only
7 to judicial review as provided in the Rules of Court.

8 (cf: R.S.12:8-39)

9

10 28. R.S.12:8-40 is amended to read as follows:

11 12:8-40. The maritime pilots shall, once in each month, account
12 to the [commissioners] commission for the fees received by them for
13 pilotage. The commission may require such additional financial
14 information as it deems necessary to effectuate the purposes of this
15 chapter, provided that such additional information, being proprietary,
16 shall not be subject to public disclosure under P.L.1963, c.73
17 (C.47:1A-1 et seq.).

18 (cf: R.S.12:8-40)

19

20 29. R.S.12:8-44 is amended to read as follows:

21 12:8-44. The commission shall from time to time issue each
22 commissioner, employee, maritime pilot and docking pilot a badge
23 signifying his office. The commission shall, on the anniversary date of
24 each maritime pilot and docking pilot, issue an identity card bearing a
25 picture of the recipient, along with the recipient's description and other
26 pertinent identifying information as the commission deems necessary
27 for the security in the port of New York
28 and New Jersey.

29 Every maritime pilot and docking pilot, on offering his services to
30 the master of a vessel, shall produce and show to the master his
31 [warrant of appointment and license granted him pursuant to this
32 chapter, under the penalty of ten dollars for every neglect] identity
33 badge, identity card or such documents as the commission may require
34 by regulation.

35 (cf: R.S.12:8-44)

36

37 30. R.S.12:8-47 is amended to read as follows:

38 12:8-47. Any person not holding a license as a maritime pilot or
39 docking pilot under the laws of this state or of the state of New York,
40 who shall pilot or offer to pilot a regulated vessel, on state pilotage
41 waters, [not exempted by the laws of this state from pilotage, to or
42 from the ports of Jersey City, Newark or Perth Amboy, by way of
43 Sandy Hook or Kill von Kull,] or any person on board a steam tug or
44 towboat who shall tow a regulated vessel on pilotage waters not
45 having a licensed pilot or docking pilot on board the tug or tow boat
46 or on board the vessel shall be guilty of a [misdemeanor and punished
47 by a fine not exceeding one hundred dollars or imprisonment not

1 exceeding sixty days] crime of the fourth degree, except that the fine
2 may be up to \$50,000.

3 [All persons employing a person, not holding a license, to act as
4 pilot, shall forfeit to the pilots suing therefor in behalf of themselves
5 and the commissioners, the sum of one hundred dollars.]
6 (cf: R.S.12:8-47)

7
8 31. (New section) The maritime pilots shall provide vessels or
9 aircraft to embark and disembark maritime pilots to and from vessels
10 required to take a maritime pilot. The general location and type of
11 vessels or aircraft shall be approved by the commission after
12 consultation with the maritime pilots and Commissioners of Pilotage
13 of the State of New York. Maritime pilots assigned to inbound vessels
14 or vessels operating on the waters of this State or boundary waters of
15 this State and the state of New York are not entitled to their discharge
16 until the vessel has arrived at a safe anchorage or is secure in a berth.
17 Maritime pilots assigned to outbound vessels are not entitled to their
18 discharge until the vessel has been brought to a safe anchorage or has
19 reached the pilot station or a point substantially seaward of the sea
20 buoys, or, upon their removal, of the entrance buoys, for Ambrose or
21 Sandy Hook channels.

22
23 32. (New section) The fees for maritime pilotage for vessels not
24 exempted from state pilotage by this chapter or any law of the United
25 States shall be as follows:

26 a. For every vessel entering or departing or underway on the
27 pilotage waters, but not including those south of Sandy Hook, the
28 pilotage rates shall be the same as those charged by maritime pilots
29 licensed by the state of New York; except that, unless otherwise
30 ordered by the commission, a change in rates by New Jersey licensed
31 pilots shall not be effective until thirty days after the effective date of
32 a rate change by pilots licensed by the state of New York.

33 b. Pilotage rates for vessels entering or departing ports and
34 underway on waters of ports south of Sandy Hook to, and including,
35 Atlantic City shall be established by the commission.

36 c. Maritime pilotage rates for intermediate or intra-harbor
37 movement of vessels shall be established by the commission after
38 conferring with the New York Pilotage Commission.

39 d. Nothing in this section shall pertain to the rates charged by
40 docking pilots.

41
42 33. (New section) Unless the commission for good cause
43 determines otherwise, a person shall qualify within 12 months of the
44 effective date of

45 P.L. , c. (C.)(now before the Legislature as this bill) as a
46 docking pilot without fulfilling the apprentice docking pilot
47 requirements of this chapter if the person:

1 a. Has been regularly engaged, other than as a member of a
2 vessel's crew, for the purpose of docking and undocking and the
3 movement of not fewer than one hundred seagoing vessels of not less
4 than ten thousand registered gross tons on the waters of the port of
5 New York and New Jersey during the two-year period immediately
6 prior to the effective date of P.L. , c. (c.)(now before
7 the Legislature as this bill);

8 b. Holds a current first class pilot's license issued by the United
9 States Coast Guard or a first class pilot endorsement to a license
10 issued by the United States Coast Guard authorizing the piloting of
11 vessels of any tonnage, and endorsed for the routes in which the
12 services of a docking pilot are permitted, and executes an
13 authorization permitting the commission to obtain from the United
14 States Coast Guard information pertaining to the applicant's Coast
15 Guard license and records;

16 c. Holds a current unlimited radar observer's certificate required
17 by the United States Coast Guard;

18 d. Has participated in and successfully completed a United States
19 Department of Transportation, Department of Homeland Security, or
20 their successors' drug screening and testing program mandated for
21 mariners and executed an authorization permitting the commission to
22 obtain from that organization information pertaining to the applicant's
23 drug screening and testing;

24 e. Has been examined by a licensed physician in the manner
25 prescribed by the United States Coast Guard no less than once each
26 year and been declared by the examiner competent to perform the
27 duties of a docking master;

28 f. Submits an application for review and approval by the
29 commission within six months of the effective date of P.L. , c.
30 (C.)(now before the Legislature as this bill), which approval
31 shall not be unreasonably withheld; and

32 g. Pays any required annual fee established by the regulations of
33 the commission, such fee not to exceed the reasonable cost of
34 administration directly attributable to the licensing of docking pilots.

35 A docking pilot who meets the requirements of subsections a.
36 through e. of this section and who submits the docking pilot's name
37 and a summary of qualifications to the commission within 30 days
38 of the effective date of
39 P.L. , c. (C.)(now before the Legislature as this bill) may
40 continue to perform the work of a licensed docking pilot until such
41 time as the commission acts upon the application of that docking pilot.
42 Prior to the issuance of a docking pilot license, such docking pilot
43 shall be subject to all other provisions of this chapter, as if the license
44 had been issued upon the effective date of P.L. , c. (C.)
45 (now before the Legislature as this bill).

46
47 34. (New section) To be considered as a docking pilot apprentice,

1 a person shall submit the following documentation to the commission:

2 a. A current first class pilot's license or a first class pilot
3 endorsement to a license issued by the United States Coast Guard
4 authorizing the piloting of vessels of any tonnage and endorsed for the
5 waters for which service may be required and an authorization
6 executed permitting the commission to obtain from the United States
7 Coast Guard information pertaining to the applicant's Coast Guard
8 license and records;

9 b. Evidence that the person holds a current unlimited radar
10 observer's certificate required by the United States Coast Guard;

11 c. Evidence of participation in a United States Department of
12 Transportation required drug screening and testing program;

13 d. Evidence of a current physical examination by a licensed
14 physician in a manner prescribed by the United States Coast Guard and
15 that the person has been declared competent by the physician to
16 perform the duties of a docking pilot;

17 e. Written documentation that the person has not less than ten
18 years experience in the maritime industry, including, but not limited to,
19 credits at an approved United States maritime college; and deck
20 experience, provided that the person shall have served not less than
21 five years as a licensed mate or master in the towing industry and is
22 endorsed by an independent pilot association providing docking pilot
23 services on pilotage waters; and

24 f. Such additional documentation as the commission may require
25 by regulation.

26

27 35. (New section) To qualify as a docking pilot a person shall, in
28 addition to the requirements of section 34 of P.L., c. (C.) (now
29 before the Legislature as this bill), have:

30 a. Performed at least 25 dockings or undocking movements of
31 vessels not less than 10,000 gross tons on pilotage waters assisted by
32 a tugboat or tugboats on routes for which the applicant applies to be
33 licensed as a docking pilot under the supervision of a docking pilot;

34 b. Observed not less than 200 dockings or undockings of seagoing
35 vessels of not less than 10,000 registered tons on pilotage waters
36 assisted by a tugboat or tugboats under the close supervision of a
37 docking pilot;

38 c. Successfully completed a docking pilot apprentice program
39 approved by the commission prior to application to the commission for
40 licensing as a docking pilot; and

41 d. Submitted an application to the commission for review and
42 approval.

43 Upon having the application declared complete and acceptable by
44 the commission, and endorsed by an independent pilot association, the
45 applicant's name shall be added to a list of qualified docking pilots.
46 After considering the need for additional qualified docking pilots, the
47 commission may, in its sole discretion, thereafter appoint successful

1 applicants as docking pilots. To ensure recency, prior to issuing a
2 license under this section, the commission may require the applicant to
3 conduct additional dockings, undockings and intra-harbor movements
4 under the supervision of a licensed docking pilot.

5
6 36. (New section) The commission shall enter on a register
7 maintained by it the names and status of all persons who demonstrate
8 to the satisfaction of the commission that they meet the requirements
9 of section 33 or 35 of P.L. , c. (C.) (now before the Legislature as
10 this bill) and who submit to the commission an initial license fee not to
11 exceed the reasonable cost of administration directly attributable to the
12 licensing of docking pilots and an annual license fee thereafter not to
13 exceed the reasonable cost of administration directly attributable to the
14 licensing of docking pilots. The commission may refuse to license or
15 may suspend or revoke the license of any person who does not comply
16 with the requirements of section 33 of P.L. , c. (C.) (now before
17 the Legislature as this bill), or other lawful requirements of the
18 commission.

19
20 37. (New section) a. A docking pilot is authorized upon the
21 approval of the master of a vessel upon pilotage waters as defined in
22 section 2 of P.L. c. (C.)(now before the Legislature as this
23 bill) to:

24 (1) Dock or undock vessels; direct the navigation of vessels within
25 the harbor being moved from an anchorage to an anchorage or to a
26 berth; direct the navigation of vessels within the harbor being moved
27 from a berth to an anchorage or another berth; direct the navigation of
28 vessels departing the port until relieved by a maritime pilot licensed by
29 the commission or the Commissioners of Pilotage of the State of New
30 York, at such locations where by custom and practice prior to the
31 effective date of P.L. , c. (C.)(now before the Legislature as
32 this bill) such relief took place, provided that the maritime pilot,
33 docking pilot and the vessel's master concur that the
34 relief can be accomplished without compromising the safe navigation
35 of the vessel; and

36 (2) Direct the navigation of vessels entering the port upon
37 relieving a maritime pilot licensed by this commission or the
38 Commissioners of Pilotage of the State of New York for the purpose
39 of docking such vessels at such points where by custom and practice
40 prior to the effective date of P.L. , c. (C.)(now before the
41 Legislature as this bill) such relief took place, provided that the relief
42 can be accomplished without compromising the safe navigation of the
43 vessel.

44 b. Nothing in the provisions authorizing the licensing of docking
45 pilots is intended to authorize licensed docking pilots to pilot
46 regulated vessels on pilotage waters as they enter or leave the Port of
47 New York and New Jersey.

1 c. Nothing in the provisions of this section is intended to preclude
2 licensed maritime pilots from docking or undocking vessels,
3 conducting in harbor movements of vessels or piloting vessels on
4 pilotage waters.

5 d. When the services of a tugboat are employed to dock or undock
6 a vessel, a docking pilot shall be employed by the vessel if requested
7 by the vessel owner or agent.

8
9 38. (New section) A docking pilot or maritime pilot licensed by
10 the State of New Jersey or applying for a license is deemed to
11 authorize the commission to obtain, from time to time, the National
12 Drivers Registry records pertaining to the docking pilot or maritime
13 pilot and from his employer or association records pertaining to the
14 docking pilot's or maritime pilot's participation in a drug testing
15 program and the results of drug or alcohol tests issued by a testing
16 facility.

17
18 39. (New section) Nothing in this chapter shall affect the right of
19 the owner, operator or master of a regulated vessel to choose, select
20 or engage an individual docking pilot or tugboat company, or be
21 construed to permit the commission to exercise any control or
22 authority over docking pilot rates, pensions, benefits or other
23 compensation of docking pilots.

24
25 40. The following are repealed:

26 R.S.12:8-17; R.S.12:8-22; R.S.12:8-23; R.S.12:8-24; R.S.12:8-25;
27 R.S.12:8-26; R.S.12:8-27; R.S.12:8-28; R.S.12:8-29; section 5 of
28 P.L.1991, c.76 (C.12:8-29.1); R.S.12:8-30; R.S.12:8-32; R.S.12:8-33;
29 R.S.12:8-34; R.S.12:8-41; R.S.12:8-42; R.S.12:8-43; R.S.12:8-45;
30 R.S.12:8-46.

31
32 41. This act shall take effect on the 60th day after enactment, but
33 the commission may take such anticipatory administrative action in
34 advance as shall be necessary for implementation of this act.

35
36
37 _____
38
39 Revises pilotage laws.

SENATE, No. 1375

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MARCH 22, 2004

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Co-Sponsored by:

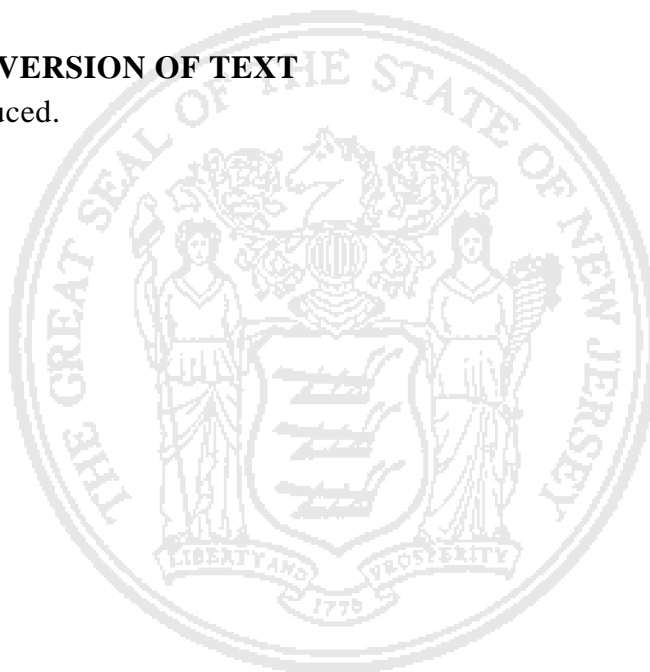
**Senators Adler, Allen, Asselta, Baer, Bucco, Coniglio, Cunningham,
James, Karcher, Kenny, Kyrillos, Lesniak, Martin, Sacco, Sarlo, Singer,
B.Smith, Sweeney and Vitale**

SYNOPSIS

Revises pilotage laws.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2004)

1 AN ACT concerning pilotage, amending various parts of the statutory
2 law and supplementing chapter 8 of Title 12 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) The Legislature finds and declares:

9 a. The State of New Jersey has responsibility for port security in
10 the Port of New York and New Jersey and, pursuant to federal law,
11 has the right and responsibility to regulate maritime pilotage in the
12 port.

13 b. In the aftermath of the terrorist attacks of September 11, 2001,
14 increased emphasis has been required by both the federal and state
15 governments on homeland security, with particular attention to the
16 security of American ports.

17 c. Although efforts have been made to enhance the defense of the
18 New York and New Jersey port area from terrorist attacks and to
19 implement improved immigration and customs procedures,
20 modernization and clarification of New Jersey's laws relating to those
21 who pilot and dock foreign and domestic vessels have not yet
22 occurred.

23 d. There is a need to provide for a system that will ensure the
24 proper and consistent identification, training, selection, oversight and
25 monitoring of both maritime pilots and docking pilots.

26 e. It is therefore in the public interest to modernize, clarify, revise
27 and expand New Jersey's maritime pilotage law, and to strengthen the
28 New Jersey pilotage commission by expanding its powers and duties
29 and clarifying that docking pilots are under its jurisdiction.

30 f. It is further in the public interest that the commission be charged
31 with the concurrent responsibility to ensure the safe operation and
32 navigation of vessels, to protect the environment and enhance the
33 economic viability of the port.

34
35 2. (New section) As used in chapter 8 of Title 12 of the Revised
36 Statutes:

37 "Apprentice" means a person who is listed as a qualified apprentice
38 with the commission pursuant to section 35 of P.L. , c. (C.)(now
39 before the Legislature as this bill) or who is on the commission's books
40 as an apprentice pursuant to R.S.12:8-10, R.S.12:8-11 or R.S.12:8-12.

41 "Bar of Sandy Hook" or "Bar" means the built-up area under the
42 waters between the northern most point of Sandy Hook extending
43 generally northeastward to the south shore of Long Island caused by

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 a deposit of sediment. The location of the Bar is not static.

2 "Commission" means the New Jersey Maritime Pilotage
3 Commission established pursuant to R.S.12:8-1.

4 "Commissioners" means the commissioners of maritime pilotage
5 appointed by the Governor pursuant to R.S.12:8-1.

6 "Docking Pilot" means a person licensed by the commission and
7 entered in the register maintained pursuant to section 36 of P.L. ,
8 c. (C.)(now before the Legislature as this bill).

9 "Maritime Pilot" "licensed pilot" or "Sandy Hook Pilot" means a
10 person licensed by the commission to pilot regulated vessels pursuant
11 to R.S.12:8-12 and a member of the United New Jersey Sandy Hook
12 Pilots' Benevolent Association or the United New York Sandy Hook
13 Pilots' Benevolent Association.

14 "Pilotage waters" mean boundary waters of the states of New
15 Jersey and New York, ports on those boundary waters, the Sandy
16 Hook, Raritan, Upper and Lower Bays of the port of New York and
17 New Jersey; the rivers Raritan, Hackensack, Passaic and Shrewsbury,
18 Newark Bay, Arthur Kill, Kill van Kull, the Bar at Sandy Hook and
19 waters easterly of the Bar on which regulated vessels navigate when
20 entering or departing the port of New York and New Jersey, ports
21 south of Sandy Hook to Atlantic City and waters easterly of these
22 ports which regulated vessels navigate when entering or departing
23 these ports.

24 "Pilots' Association" or "Association" means the United New Jersey
25 Sandy Hook Pilots' Benevolent Association or the United New Jersey
26 Sandy Hook Pilots' Association.

27 "President" means the president of the commission.

28 "Regulated vessel" means a vessel required by the laws of the states
29 of New Jersey or New York to take a state licensed maritime pilot.

30

31 3. R.S. 12:8-1 is amended to read as follows:

32 12:8-1. The governor, by and with the advice and consent of the
33 senate, shall appoint six commissioners of maritime pilotage,
34 hereinafter in this chapter called "commissioners", who shall hold their
35 offices, respectively, for three years and until a successor is appointed
36 and qualified. No more than three of the commissioners shall be
37 members of the same political party, and they shall be selected from
38 among such persons as have been officers in our naval, [revenue]
39 Coast Guard or merchant service, or [such as have been commanders
40 of vessels engaged in our coasting trade] have been duly qualified as
41 United States Merchant Marine Officers.

42 The Board of Commissioners of Pilotage of the State of New Jersey
43 in the Department of Environmental Protection, together with its
44 functions, powers and duties is continued as the New Jersey Maritime
45 Pilotage Commission (the "commission") in, but not of, the
46 Department of Environmental Protection. Nothing in this section shall

1 be construed as affecting the terms of office of the present
2 commissioners of pilotage. The commission shall consist of the
3 commissioners appointed pursuant to this section.

4 Each January, the commission shall elect from its membership a
5 president, vice president, treasurer and secretary. The commission
6 may employ an executive director and other employees or consultants
7 on such terms and conditions as it deems appropriate, without regard
8 to the provisions of Title 11A of the New Jersey Statutes.

9 The commissioners, and officers and employees of the commission
10 shall be enrolled in the Public Employees' Retirement System and shall
11 be eligible to participate in the State Health Benefits Program
12 established pursuant to the "New Jersey State Health Benefits Program
13 Act," P.L.1961, c.49 (C.52:14-17.25 et seq.). The commissioners, and
14 officers and employees who may currently be members of the Public
15 Employees' Retirement System shall continue in membership.

16 In case any commissioner shall die or resign, or otherwise become
17 disqualified to act, the governor shall forthwith fill such vacancy in the
18 same manner and for the same term as an original appointment.

19 (cf: R.S.12:8-1)

20
21 4. (New section) On and after the effective date of P.L. , c.
22 (C.) (now before the Legislature as this bill) any reference in any
23 law, rule, regulation, order, contract or document to the "Board of
24 Commissioners of Pilotage of the State of New Jersey" or the "board
25 of New Jersey pilot commissioners" shall be deemed to mean or refer
26 to the New Jersey Maritime Pilotage Commission in but not of the
27 Department of Environmental Protection.

28
29 5. R.S.12:8-2 is amended to read as follows:

30 12:8-2. The [commissioners] commission may make and establish
31 such rules, orders and regulations, not inconsistent with the
32 constitutions or the laws of this state or of the United States, for the
33 better government of the maritime pilots, [with] docking pilots, and
34 apprentices as defined in section 2 of P.L. c. (C.) (now before the
35 Legislature as this bill) to ensure safe operation of vessels and safe
36 navigation in order to maintain the highest levels of port security, to
37 protect the environment, ensure the most current and exacting levels
38 of training and enhance the economic viability of port facilities in the
39 port area and may provide for such fines and penalties for the violation
40 [thereof] of these rules, orders and regulations, as [they] it shall
41 deem proper. [They] It may from time to time revoke or amend any
42 such rule, order or regulation.

43 (cf: R.S.12:8-2)

44
45 6. R.S.12:8-3 is amended to read as follows:

46 12:8-3. No commissioner shall [be concerned or] have any direct

1 or indirect financial interest in the pilotage business.

2 (cf: R.S.12:8-3)

3

4 7. R.S.12:8-4 is amended to read as follows:

5 12:8-4. The [commissioners, as compensation for their services
6 under this chapter, shall be entitled to receive one and one-half per
7 cent on the fees received by the pilots for pilotage, to be divided
8 among the commissioners according to the days they may have,
9 respectively, attended at any meeting] commission shall from time to
10 time establish the percentage of the fees received by maritime pilots
11 for pilotage which is to be remitted to the commission for its services
12 under this chapter. However, the percentage amount shall not be
13 greater than three percent of the pilotage fees. The amount received
14 by the commission shall be used to pay the commission's administrative
15 expenses, including but not limited to, the compensation of the
16 commissioners, their expenses, rent, utilities, employee salaries and
17 benefits. Compensation of the commissioners shall be \$28,000 per
18 annum. They shall not be entitled to receive [said] the commissions
19 on extra pilotage for boarding off-shore, or for fees received for what
20 is called transportation or harbor pilotage.

21 (cf: R.S.12:8-4)

22

23 8. R.S.12:8-5 is amended to read as follows:

24 12:8-5. The [commissioners] commission shall lay before the
25 legislature annually[, as early as the second week of the session]:

26 a. [All bonds taken by the commissioners pursuant to section
27 12:8-17 of this title;] (Deleted by amendment, P.L. , c.) (now
28 before the Legislature as this bill);

29 b. An abstract of the proceedings of the [commissioners]
30 commission within the [then] last year;

31 c. A statement of the number of licensed maritime pilots [in
32 commission], docking pilots and the number of vessels taken in and
33 out; and

34 d. Such observations in relation to the system of pilotage as in
35 [their] its opinion may tend to the benefit of the cause of commerce
36 and be of advantage to the general interest of the state.

37 (cf: R.S.12:8-5)

38

39 9. R.S.12:8-6 is amended to read as follows;

40 12:8-6. The president or in the absence of the president, any
41 member of the [board of New Jersey pilot commissioners]
42 commission may administer [an] the oath of office to any newly
43 appointed commissioner, deputy maritime pilot, full branch maritime
44 pilot, docking pilot or apprentice and an oath to any person
45 [preferring or rebutting a complaint] appearing before the [board]

1 commission. By majority vote, the commission may cause the issuance
2 of subpoena to compel the appearance of persons or the production of
3 documents.

4 (cf: R.S.12:8-6)

5

6 10. R.S.12:8-7 is amended to read as follows:

7 12:8-7. [From any judgment, order or direction of the
8 commissioners affecting a pilot, an appeal may be taken to the
9 governor, who may affirm, reverse or modify the same. The appeal
10 shall be in writing, signed by a majority of the pilots and delivered to
11 the governor within twenty days after the judgment, order or direction
12 shall be promulgated by the commissioners, and shall state the
13 judgment, order or direction complained of and the grounds of the
14 appeal. A copy of the appeal shall be served upon the secretary of the
15 board of commissioners] An order or judgment of the commission
16 shall be considered final agency action under the "Administrative
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

18 (cf: R.S.12:8-7)

19

20 11. R.S.12:8-8 is amended to read as follows:

21 12:8-8. Whenever the services of a maritime pilot [by way of
22 Sandy Hook is] are required to pilot a vessel in pilotage waters,
23 [sailing from any other port in the United States bound in or over the
24 bar of Sandy Hook or into any bays, rivers, harbors, or ports of the
25 waters of this State between Sandy Hook, in the county of Monmouth
26 and the city of Atlantic City, in the county of Atlantic, written
27 application for the pilot must first be made by the master, owner or
28 consignee of the vessel to the commissioners. The commissioners
29 shall thereupon designate] the maritime pilots so to be employed shall
30 be employed in rotation[, according to the designated number of boats
31 in service, beginning with the lowest number, so that the company of
32 every boat in the service shall in their turn have the right to avail of
33 such employment].

34 The [commissioners] commission shall [enforce this regulation by
35 proper bylaws] approve any changes in the rotation system.

36 (cf: P.L.1991, c.76, s.1)

37

38 12. R.S.12:8-9 is amended to read as follows:

39 12:8-9. No person shall be licensed as a maritime or docking pilot
40 of this state[, by way of Sandy Hook], except as hereinafter in this
41 chapter provided.

42 (cf: R.S.12:8-9)

43

44 13. Section 6 of P.L.1991, c.76 (C.12:8-9.1) is amended to read as
45 follows:

1 6. Nothing in this amendatory and supplementary act shall be
2 construed to extend the requirement of pilotage to any type of vessel
3 that is not required to be piloted pursuant to [chapter 8 of Title 12 of
4 the Revised Statutes] the laws of this State, and any rules or
5 regulations established thereunder by the [Board of Commissioners of
6 Pilotage of the State of New Jersey, Division of Coastal Resources,
7 Department of Environmental Protection] commission or otherwise
8 exempted from the requirements of state pilotage regulations by
9 statutes of the United States.

10 (cf: P.L.1991, c.76, s.6)

11

12 14. R.S. 12:8-10 is amended to read follows:

13 12:8-10. The pilot boats employed by or belonging in whole or in
14 part to the United New Jersey Sandy Hook Pilots' Benevolent
15 Association, or to the United New Jersey Sandy Hook Pilots'
16 Association, shall be the only maritime pilot boats in the New Jersey
17 Sandy Hook pilot service, or in any bays, rivers, harbors, or ports of
18 the waters of this State or approaches to the waters of this State
19 between Sandy Hook, in the county of Monmouth and the city of
20 Atlantic City, in the county of Atlantic. Apprentices shall be attached
21 to the pilot boats of said association and the pilot boats may have
22 more than one apprentice.

23 The apprentices shall be entered in the books of the
24 [commissioners] commission in the name of and indentured to the
25 [executive committee of the association or the board of directors of
26 the] association, and shall serve as apprentices under the laws of this
27 State.

28 [Said executive committee or board of directors] The association
29 shall have the sole control of all apprentices, subject to the regulations
30 of the commission, until they have served [the full] a term of at least
31 four years and shall see that all apprentices entered in the
32 [commissioners'] commission's books [in its name] are fully
33 instructed in their duties in such manner as is necessary to fully qualify
34 them in every respect to perform the duties of a [Sandy Hook]
35 maritime pilot.

36 (cf: P.L.1991, c.76, s.2)

37

38 15. R.S. 12:8-11 is amended to read as follows:

39 12:8-11. Apprentices shall serve at least four years [and at least
40 three consecutive years as apprentice, boat keeper or assistant boat
41 keeper] and for such longer periods of time as may be required by the
42 commission. They shall be examined by the [commissioners]
43 commission as directed by law and thereafter licensed as a deputy
44 maritime pilot, at the discretion of the [commissioners] commission.
45 The apprentices herein provided for shall be the only apprentices to be

1 appointed or employed by the New Jersey Sandy Hook pilots.
2 (cf: R.S.12:8-11)

3

4 16. R.S. 12:8-12 is amended to read as follows:

5 12:8-12. Every person who shall have served two years as a
6 deputy pilot shall be entitled to be examined and licensed as a full
7 branch pilot, if found qualified] Only a person who has successfully
8 served an apprenticeship with the New Jersey or New York Sandy
9 Hook Pilots' Benevolent Associations and passed an examination
10 approved by the commission shall be licensed as a deputy maritime
11 pilot or maritime pilot of the State of New Jersey. A person so
12 licensed is to be known as a Sandy Hook Pilot. No New Jersey
13 licensed maritime pilot or deputy maritime pilot may be licensed by
14 another state without the prior permission of the commission and
15 under such terms and conditions as the commission may require.

16 (cf: R.S.12:8-12)

17

18 17. R.S.12:8-13. is amended to read as follows:

19 12:8-13. [The commissioners, or a majority of them,] Upon a
20 specific finding of an emergency, the commission may permit for such
21 time as the emergency exists and at [their] its discretion, any person
22 to act as a [branch] maritime or docking pilot as hereinafter provided
23 for, off the bar of Sandy Hook, or of the river Raritan, or of the harbor
24 of Jersey City, Newark or Perth Amboy, after having examined such
25 person in the manner hereinafter mentioned and made such inquiries
26 respecting [him] such person and [his] the person's qualifications as
27 to the [commissioners] commission shall appear necessary and
28 expedient.

29 (cf: R.S.12:8-13)

30

31 18. R.S.12:8-14 is amended to read as follows:

32 12:8-14. The [commissioners] commission, before granting to an
33 applicant a [branch or] license to [act] serve as a [pilot or] deputy
34 maritime pilot, shall [call the applicant before them and examine him
35 or cause him to be examined touching his qualifications for such an
36 employment, and,] require the applicant to pass a qualifying
37 examination approved by the commission for such service, examining
38 in particular, [his] the applicant's knowledge of the tides, soundings,
39 bearings and distances of the several shoals, rocks, bars and points of
40 land, and such other matters deemed by the commission as relevant to
41 the safe navigation of vessels in the navigation for which [he] the
42 applicant applies for a [branch or] license. Only applicants certified
43 by the New York or New Jersey Sandy Hook Pilots' Benevolent
44 Association as having successfully completed the apprenticeship shall
45 be eligible to apply for a license to serve as maritime deputy pilots.

1 The examination shall be prescribed, administered and graded under
2 the supervision of the commission and may be conducted in the
3 presence of one or more full maritime branch pilots of this [state who
4 shall be personally notified to attend, but if the maritime pilot or pilots
5 so notified fail to attend, the examination may be held without their
6 assistance or presence] State. The commission shall by regulation
7 establish grades of maritime pilots. For each grade, the commission
8 shall specify the draft and tonnage of vessels a maritime pilot in that
9 grade is authorized to pilot and the time in grade required to advance
10 to the next highest grade. Maritime pilots achieving the highest grade
11 shall be full branch maritime pilots.

12 (cf: R.S.12:8-14)

13

14 19. R.S.12:8-15 is amended to read as follows:

15 12:8-15. Certificate of appointment as a maritime pilot. The
16 [commissioners] commission shall give to every person appointed by
17 [them] it as a [branch pilot or] deputy or full branch maritime pilot,
18 a certificate of appointment or license signed by a majority of [them,
19 or by their chairman, or by their direction, which certificate shall be
20 presented to the Secretary of State] the commissioners. At the time
21 the commission advances a maritime pilot in grade, the secretary shall
22 endorse the certificate noting the advancement in grade.

23 (cf: P.L.1987, c.435, s.1)

24

25 20. R.S.12:8-16 is amended to read as follows:

26 12:8-16. Whenever a person [shall produce to the Governor, or,
27 in case of his absence from the seat of government, to the Secretary of
28 State, a certificate of appointment from the commissioners, or a
29 majority of them, the Governor or the Secretary of Sate, as the case
30 may be, shall administer to such person the following oath] is first
31 licensed as a maritime pilot, the president of the commission, or in the
32 absence of the president, any commissioner, shall administer to that
33 person the following oath:

34 "I, A.B., do solemnly swear (or affirm), that I will well and
35 faithfully, and according to the best of my skill and knowledge,
36 execute and discharge the business and duty of a [.....
37 branch] maritime deputy (full branch) pilot for [the] pilotage waters
38 including, but not limited to, the bar, Jersey City, Newark, and Perth
39 Amboy and harbor of Sandy Hook, and any bays, rivers, harbors, or
40 ports of the waters of this State between Sandy Hook, in the county
41 of Monmouth and the city of Atlantic City, in the county of Atlantic,
42 and that I will at all times use my best endeavors to repair on board all
43 ships and vessels that I shall see and conceive to be bound for, or
44 coming into, or going out of the harbor and bodies of water aforesaid,
45 unless I am well assured that some other licensed pilot is then on

1 board the same; and I do further swear (or affirm), that I will, from
2 time to time and at all times, make the best dispatch in my power to
3 bring safely over the bar at Sandy Hook and into any bays, rivers,
4 harbors, or ports of the waters of this State between Sandy Hook, in
5 the county of Monmouth and the city of Atlantic City, in the county of
6 Atlantic, every vessel committed to my care in coming in or going out;
7 and that I will, from time to time and at all times, truly observe, follow
8 and fulfill, to the best of my skill, ability, and knowledge, all such
9 orders and directions as I shall or may receive from the
10 [commissioners of pilotage] New Jersey Maritime Pilotage
11 Commission, relative to all matters or things that may appertain to the
12 duty of a pilot."

13 [The Secretary of State shall charge a fee of \$25.00 for
14 administering the oath.]

15 (cf: P.L.1991, c.76, s.3)

16

17 21. R.S. 12 8-18 is amended to read as follows:

18 12:8-18. The [commissioners] commission may direct all maritime
19 pilots [of the bar and harbor mentioned in section 12:8-13 of this title]
20 to deliver up their former and take out new licenses whenever so
21 required, but no maritime pilot shall be charged a fee for such a new
22 license. Every maritime pilot not complying with these conditions
23 shall forthwith forfeit his license and be disqualified to act as a
24 maritime pilot for twelve months, and shall afterwards obtain no
25 maritime pilot's license unless he be readmitted under the same
26 formalities as one applying in the first instance.

27 (cf: R.S. 12:8-18)

28

29 22. R.S. 12:8-19 is amended to read as follows:

30 12:8-19. The [commissioners or a majority of them may take away
31 the branch of any pilot or deputy pilot and declare his license null and
32 void whenever it shall appear to them that such pilot:

33 a. Has willfully infringed or violated this chapter or the orders of
34 the commissioners;

35 b. Has negligently lost any vessel under his care;

36 c. Is laboring under a mental derangement so as to be incapable of
37 attending to business; or

38 d. Is so addicted to the habits of intoxication as to be unfit to be
39 intrusted with the charge of a vessel] commission may revoke or
40 suspend the license or route or reduce the grade of a maritime pilot or
41 the license of a docking pilot who has willfully or negligently infringed
42 on or violated this chapter or the regulations of the commission, or has
43 failed to perform the duties in a manner expected of a prudent
44 maritime pilot or docking pilot or may set such other conditions as it
45 deems appropriate for such infringement or violation.

46 (cf: R.S.12:8-19)

1 23. R.S.12:8-20 is amended to read as follows:

2 12:8-20. If a maritime pilot or a docking pilot has forfeited [his
3 branch] any license or is no longer entitled to the use of [his] such
4 license by virtue of sections 12:8-18 and 12:8-19 of this title, and of
5 section 36 of P.L. _____, c. _____ (C. _____) (now before the Legislature as
6 this bill), the [commissioners may call on him for] commission shall
7 demand the surrender of [his] the license. Upon [his] a refusal to
8 give up the license on demand, the [commissioners] commission shall
9 [publish a notice for one week in a newspaper or newspapers of Jersey
10 City or Newark, or in such other newspapers] notify those individuals
11 and agencies as [they] it shall deem appropriate and necessary, that
12 such person has no longer a right to act as a maritime pilot [until he
13 is reinstated according to law] or a docking pilot.

14 (cf: R.S.12:8-20)

15

16 24. R.S.12:8-21 is amended to read as follows:

17 12:8-21. Before a maritime pilot or a docking pilot shall be
18 deprived of [his] a [branch or] license, or suspended from acting
19 thereunder, or reduced in grade, he shall be [summoned by a notice in
20 writing] compelled to appear before the [commissioners, at such time
21 as shall be specified in the notice,] commission to show cause[, if any
22 he may have,] against his suspension or the revocation of his [branch
23 or] license. The notice shall be delivered to [him personally or be left
24 at his usual place of abode, at least] such maritime pilot or docking
25 pilot not less than fifteen days before the time specified in the notice
26 for his appearance. If the maritime pilot or docking pilot neglects or
27 refuses to appear before the [commissioners] commission at the time
28 specified in the notice, or if the cause shown by him against his
29 suspension or the revocation of his [branch or] license shall appear
30 insufficient to the [commissioners] commission, [they] it may either
31 revoke [his branch or] the license or suspend him from acting as a
32 maritime pilot or a docking pilot or reduce him in grade; except that
33 the president of the commission, or in the absence of the president, the
34 president's designee, may immediately and temporarily, for a period
35 not to exceed 30 days, suspend the license of any maritime pilot or
36 docking pilot upon a determination that because of the maritime pilot's
37 or docking pilot's mental or physical health or use of alcohol or
38 controlled dangerous substance the pilot cannot safely perform the
39 pilot's duties.

40 (cf: R.S.12:8-21)

41

42 25. R.S.12:8-31 is amended to read as follows

43 12:8-31. A maritime pilot who is carried to sea[,] when a boat is
44 attending to receive him shall receive at the rate of one [hundred]

1 thousand dollars per [month] day and his reasonable expenses[,]
2 during his [necessary] absence.
3 (cf: R.S.12:8-31)

4
5 26. R.S.12:8-35 is amended to read as follows:

6 12:8-35. [All masters of foreign vessels and vessels from a foreign
7 port, and all vessels sailing under register, bound in or over the bar of
8 Sandy Hook or into any bays, rivers, harbors, or ports of the waters
9 of this State between Sandy Hook, in the county of Monmouth and the
10 city of Atlantic City, in the county of Atlantic, shall take a licensed
11 pilot, or in case of refusal to take such pilot] Every United States
12 vessel and every foreign vessel shall take a state licensed maritime
13 pilot when entering or leaving pilotage waters and shall take a licensed
14 maritime pilot or docking pilot, as provided for herein, when otherwise
15 underway in pilotage waters. This requirement shall not apply to:

16 a. a vessel documented under the United States flag and operating
17 in a coastwise trade;

18 b. a public vessel of the United States or a vessel otherwise exempt
19 from state pilotage regulation by United States law; or

20 c. a yacht of less than 200 feet in length.

21 If a regulated vessel under way on state pilotage waters fails to take
22 a maritime pilot, the master, owner, agent or [consignee] charterer
23 shall pay the pilotage fees as if one had been employed[, and such
24 pilotage shall be paid to the pilot first speaking or offering his services
25 as pilot to such vessel] and be subject to penalties under the
26 commission's regulations.

27 (cf: R.S.12:8-35)

28
29 27. R.S. 12:8-39 is amended to read as follows:

30 12:8-39. Every master of a vessel shall give an account to the
31 maritime and docking pilot, when boarding, of the [draft] deep drafts,
32 air drafts and other information necessary to the safe navigation of the
33 vessel. If the [draft given] information is [less than the actual draft]
34 not provided or incorrect, the master shall be liable to a penalty of
35 twenty-five thousand dollars which may be sued for by the [New
36 Jersey pilots under the certified order of the commissioners]
37 commission and applied as directed in section 12:8-48 of this title.

38 (cf: R.S.12:8-39)

39
40 28. R.S.12:8-40 is amended to read as follows:

41 12:8-40. The maritime pilots shall, once in each month, account to
42 the [commissioners] commission for the fees received by them for
43 pilotage. The commission may require such additional financial
44 information as it deems necessary to effectuate the purposes of this
45 chapter, provided that such additional information, being proprietary,

1 shall not be subject to public disclosure under P.L.1963, c.73
2 (C.47:1A-1 et seq.).
3 (cf: R.S.12:8-40)

4
5 29. R.S.12:8-44 is amended to read as follows:

6 12:8-44. The commission shall from time to time issue each
7 commissioner, employee, maritime pilot and docking pilot a badge
8 signifying his office. The commission shall, on the anniversary date of
9 each maritime pilot and docking pilot, issue an identity card bearing a
10 picture of the recipient, along with the recipient's description and other
11 pertinent identifying information as the commission deems necessary
12 for the enhancement of security in the port of New York and New
13 Jersey.

14 Every maritime pilot and docking pilot, on offering his services to
15 the master of a vessel, shall produce and show to the master his
16 [warrant of appointment and license granted him pursuant to this
17 chapter, under the penalty of ten dollars for every neglect] identity
18 badge, identity card and current merchant marine document.

19 (cf: R.S.12:8-44)

20

21 30. R.S.12:8-47 is amended to read as follows:

22 12:8-47. Any person not holding a license as a maritime pilot or
23 docking pilot under the laws of this state or of the state of New York,
24 who shall pilot or offer to pilot a regulated vessel, on state pilotage
25 waters, [not exempted by the laws of this state from pilotage, to or
26 from the ports of Jersey City, Newark or Perth Amboy, by way of
27 Sandy Hook or Kill von Kull,]or any person on board a steam tug or
28 towboat who shall tow a regulated vessel on pilotage waters not
29 having a licensed pilot or docking pilot on board shall be guilty of a
30 [misdemeanor and punished by a fine not exceeding one hundred
31 dollars or imprisonment not exceeding sixty days] crime of the fourth
32 degree, except that the fine may be up to \$50,000.

33 [All persons employing a person, not holding a license, to act as
34 pilot, shall forfeit to the pilots suing therefor in behalf of themselves
35 and the commissioners, the sum of one hundred dollars.]

36 (cf: R.S.12:8-47)

37

38 31. (New section) The maritime pilots shall provide vessels or
39 aircraft to embark and disembark maritime pilots to and from vessels
40 required to take a maritime pilot. The general location and type of
41 vessels or aircraft shall be approved by the commission after
42 consultation with the maritime pilots and Commissioners of Pilotage
43 of the State of New York. Maritime pilots assigned to inbound vessels
44 or vessels operating on the waters of this State or boundary waters of
45 this State and the state of New York are not entitled to their discharge
46 until the vessel has arrived at a safe anchorage or is secure in a berth.
47 Maritime pilots assigned to outbound vessels are not entitled to their

1 discharge until the vessel has been brought to a safe anchorage or has
2 reached the pilot station or a point substantially seaward of the sea
3 buoys, or, upon their removal, of the entrance buoys, for Ambrose or
4 Sandy Hook channels.

5
6 32. (New section) The fees for pilotage for vessels not exempted
7 from state pilotage by any law of the United States shall be as follows:

8 a. For every vessel entering or departing or underway on the
9 pilotage waters not including those south of Sandy Hook the pilotage
10 rates shall be the same as those charged by maritime pilots licensed by
11 the state of New York, except that, unless otherwise ordered by the
12 commission, a change in rates by New Jersey licensed pilots shall not
13 be effective until thirty days after the effective date of a rate change by
14 pilots licensed by the state of New York.

15 b. Pilotage rates for vessels entering or departing ports and
16 underway on waters of ports south of Sandy Hook to, and including,
17 Atlantic City shall be established by the commission.

18 c. Pilotage rates for intermediate or intra-harbor movement of
19 vessels shall be established by the commission after conferring with the
20 New York Pilotage Commission.

21 Nothing in this section shall pertain to the rates charged by docking
22 pilots.

23
24 33. (New section) A person may qualify within 12 months of the
25 effective date of P.L. , c. (C.)(now before the Legislature as
26 this bill) as a docking pilot without fulfilling the apprentice docking
27 pilot requirements of this chapter if the person:

28 a. Has been regularly engaged, other than as a member of a vessel's
29 crew, for the purpose of docking and undocking and the movement of
30 not fewer than one hundred seagoing vessels of not less than ten
31 thousand registered gross tons on the waters of the port of New York
32 and New Jersey during the two-year period immediately prior to the
33 effective date of P.L. , c. (c.)(now before the Legislature
34 as this bill);

35 b. Holds a current first class pilot's license issued by the United
36 States Coast Guard or a first class pilot endorsement to a license
37 issued by the United States Coast Guard authorizing the piloting of
38 vessels of any tonnage, and endorsed for the routes in which the
39 services of a docking pilot are permitted, and executes an
40 authorization permitting the commission to obtain from the United
41 States Coast Guard information pertaining to the applicant's Coast
42 Guard license and records;

43 c. Holds a current unlimited radar observer's certificate required by
44 the United States Coast Guard;

45 d. Has participated in and successfully completed a United States
46 Department of Transportation, Department of Homeland Security, or
47 their successor's, drug screening and testing program mandated for

1 mariners and executed an authorization permitting the commission to
2 obtain from that organization information pertaining to the applicant's
3 drug screening and testing;

4 e. Has been examined by a licensed physician in the manner
5 prescribed by the United States Coast Guard no less than once each
6 year and been declared by the examiner competent to perform the
7 duties of a docking master;

8 f. Submits an application for review and approval by the
9 commission, which approval shall not be unreasonably withheld ; and

10 g. Pays any required annual fee established by the regulations of
11 the commission.

12
13 34. (New section) To be initially considered as a docking pilot
14 apprentice applicant, a person shall submit the following
15 documentation to the commission:

16 a. A current first class pilot's license or a first class pilot
17 endorsement to a license issued by the United States Coast Guard
18 authorizing the piloting of vessels of any tonnage and endorsed for the
19 waters for which service may be required and an authorization
20 executed permitting the commission to obtain from the United States
21 Coast Guard information pertaining to the applicant's Coast Guard
22 license and records;

23 b. Evidence that the person holds a current unlimited radar
24 observer's certificate required by the United States Coast Guard;

25 c. Evidence of participation in a United States Department of
26 Transportation required drug screening and testing program;

27 d. Evidence of a current physical examination by a licensed
28 physician in a manner prescribed by the United States Coast Guard and
29 that the person has been declared competent by the physician to
30 perform the duties of a docking pilot;

31 e. Written documentation that the person has not less than ten
32 years experience in the maritime industry, including, but not limited to,
33 credits at an approved United States maritime college; and deck
34 experience, provided that the person shall have served not less than
35 five years as a licensed mate or master; and

36 f. Such additional documentation as the commission may require.
37

38 35. (New section) To qualify as a docking pilot apprentice a
39 person shall, in addition to the requirements of section 34 of P.L., c.
40 (C.) (now before the Legislature as this bill), have:

41 a. Performed at least 25 dockings, undockings and harbor ship
42 movements on routes for which the applicant applies to be licensed as
43 a docking pilot under the supervision of a docking pilot;

44 b. Observed not less than 200 harbor movements of seagoing
45 vessels of not less than 10,000 registered tons under the close
46 supervision of a docking pilot;

47 c. Successfully completed a docking pilot apprentice program

1 approved by the commission prior to application to the commission for
2 licensing as a docking pilot; and

3 d. Submitted an application to the commission for review and
4 approval. Upon having the application declared complete and
5 acceptable by the commission, the applicant's name shall be added to
6 a list of qualified apprentices. After considering the need for
7 additional qualified docking pilots, the commission may, in its sole
8 discretion, thereafter appoint successful applicants as docking pilots
9 from the list of qualified apprentices. To ensure recency, prior to
10 issuing a license under this section, the commission may require the
11 applicant to conduct additional dockings, undockings and intra-harbor
12 movements under the supervision of a docking pilot.

13

14 36. (New section) The commission shall enter on a register
15 maintained by it the names and status of all persons who demonstrate
16 to the satisfaction of the commission they meet the requirements of
17 section 33 or 35 of P.L. , c. (C.) (now before the Legislature as this
18 bill) and who submit to the commission an initial license fee and an
19 annual license fee in such amounts as the commission shall from time
20 to time prescribe by regulation. The commission may refuse to license
21 or may suspend or revoke the license of any person who does not
22 comply with the requirements of section 33 of P.L. , c. (C.)
23 (now before the Legislature as this bill), or other lawful requirements
24 of the commission.

25

26 37. (New section) a. A docking pilot is authorized upon the
27 approval of the master of a vessel to:

28 (1) Dock or undock vessels; direct the navigation of vessels within
29 the harbor being moved from an anchorage to an anchorage or to a
30 berth; direct the navigation of vessels within the harbor being moved
31 from a berth to an anchorage or another berth; direct the navigation of
32 vessels departing the port until relieved by a maritime pilot licensed by
33 the commission or the pilotage commission of the state of New York,
34 at such locations where by custom and practice prior to the effective
35 date of P.L. , c. (C.)(now before the Legislature as this bill)
36 such relief took place, provided that the maritime pilot, docking pilot
37 and the vessel's master concur that the relief can be accomplished
38 without compromising the safe navigation of the vessel and further
39 provided that the commission may in the interest of safety of
40 navigation by regulation establish the locations for such relief to take
41 place; and

42 (2) Direct the navigation of vessels entering the port upon relieving
43 a maritime pilot licensed by this commission or the pilotage
44 commission of the State of New York for the purpose of docking
45 such vessels at such points where by custom and practice prior to the
46 effective date of P.L. , c. (C.)(now before the Legislature as
47 this bill) such relief took place, provided that the relief can be

1 accomplished without compromising the safe navigation of the vessel
2 and further provided that the commission may in the interest of safety
3 of navigation by regulation establish the locations for such relief to
4 take place.

5 b. Nothing in the provisions authorizing the licensing of docking
6 pilots is intended to authorize licensed docking pilots to pilot
7 regulated vessels on pilotage waters as they enter or leave the Port of
8 New York and New Jersey.

9 c. Nothing in the provisions of this section is intended to preclude
10 licensed maritime pilots from docking or undocking vessels,
11 conducting in harbor movements of vessels or piloting vessels on
12 pilotage waters.

13
14 38. (New section) A docking pilot or maritime pilot licensed by
15 the state of New Jersey or applying for a license is deemed to
16 authorize the commission to obtain, from time to time, the National
17 Drivers Registry records pertaining to the docking pilot or maritime
18 pilot and from his employer or association records pertaining to the
19 docking pilot's or maritime pilot's participation in a drug testing
20 program and the results of drug or alcohol tests issued by a testing
21 facility.

22
23 39. The following are repealed:

24 R.S.12:8-17; R.S.12:8-22; R.S.12:8-23; R.S.12:8-24; R.S.12:8-25;
25 R.S.12:8-26; R.S.12:8-27; R.S.12:8-28; R.S.12:8-29; section 5 of
26 P.L.1991, c.76 (C.12:8-29.1); R.S.12:8-30; R.S.12:8-32; R.S.12:8-33;
27 R.S.12:8-34; R.S.12:8-41; R.S.12:8-42; R.S.12:8-43; R.S.12:8-45;
28 R.S.12:8-46.

29
30 40. This act shall take effect immediately.

31
32
33 STATEMENT

34
35 The purpose of this bill is to strengthen the security of the Port of
36 New York and New Jersey and enhance its economic and
37 environmental viability by clarifying and modernizing the provisions of
38 chapter 8 of Title 12 of the Revised Statutes pertaining to maritime
39 pilots. Under current law, New Jersey maritime pilots are subject to
40 the jurisdiction of the Board of Commissioners of Pilotage of the State
41 of New Jersey. New York has a corresponding New York Pilotage
42 Commission with jurisdiction over New York pilots.

43 The bill renames the New Jersey Board as the New Jersey Maritime
44 Pilotage Commission (" the commission") and allocates it in, but not
45 of, the Department of Environmental Protection. Although the
46 commission's membership is to remain the same, the bill provides
47 specifically that the commission is to elect officers from among its

1 members and may employ an executive director and other employees
2 and consultants outside of the civil service laws.

3 The commission is given the authority to regulate and license
4 docking pilots in addition to its current duty of regulating and
5 licensing maritime pilots.

6 The current one and one half percent of pilotage fees received from
7 maritime pilots as compensation to the commissioners is increased to
8 a maximum of three percent, the actual assessment to be determined
9 by the commission, and is to be used not only for the compensation of
10 the commissioners but also for the commission's other administrative
11 expenses. The compensation received by the commissioners is to be
12 \$28,000 per annum.

13 The bill modernizes or clarifies provisions relating to appeals of the
14 commission's orders or judgements, maritime pilot and docking pilot
15 apprenticeships, promotions and oaths, suspension and revocation of
16 licenses, stationing of pilot boats, pilotage rates, penalties for piloting
17 without a license and furnishing of financial information to the
18 commission.

19 Maritime pilots and docking pilots are required to show an identity
20 badge and identity card, issued by the commission, to the master of
21 vessel to which they are offering services.

22 The bill provides for various criteria which a docking pilot and a
23 docking pilot apprentice must fulfill in order to be qualified by the
24 commission and provides for the various functions which a docking
25 pilot may perform.

26 The bill repeals various parts of chapter 8 of Title 12 of the Revised
27 Statutes in furtherance of the bill's purposes of modernization and
28 clarification of the pilotage statutes.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 1375**

STATE OF NEW JERSEY

DATED: MAY 17, 2004

The Senate Transportation Committee reports favorably Senate Committee Substitute for Senate Bill No. 1375.

The purpose of this substitute bill is to strengthen the security of the Port of New York and New Jersey and enhance its economic and environmental viability by clarifying and modernizing the provisions of chapter 8 of Title 12 of the Revised Statutes pertaining to maritime pilots. Under current law, New Jersey maritime pilots are subject to the jurisdiction of the Board of Commissioners of Pilotage of the State of New Jersey in but not of the Department of Law and Public Safety. New York has a corresponding New York Pilotage Commission with jurisdiction over New York pilots.

The bill renames the New Jersey Board as the New Jersey Maritime Pilot and Docking Pilot Commission ("the commission") and allocates it in, but not of, the Department of Transportation. The bill also provides that the commission is to elect officers from among its members and may employ an executive director and other employees outside of the civil service laws.

The commission is given the authority to regulate and license docking pilots in addition to its current duty of regulating and licensing maritime pilots. However, the commission is not to exercise any control or authority over docking pilot rates, pensions, benefits or other compensation of docking pilots. In addition, nothing in the pilotage law is to affect the right of the owner, operator or master of a regulated vessel to choose, select or engage an individual docking pilot or tugboat company.

The current one and one half percent of pilotage fees received from maritime pilots as compensation to the commissioners is increased to a maximum of three percent, the actual assessment to be determined by the commission, and is to be used not only for the compensation of the commissioners but also for the commission's other administrative expenses. The compensation received by the commissioners is to be \$28,000 per annum.

The bill modernizes or clarifies provisions relating to appeals of the commission's orders or judgments, maritime pilot and docking pilot apprenticeships, promotions and oaths, suspension and revocation of

licenses, stationing of pilot boats, pilotage rates, penalties for piloting without a license and furnishing of financial information to the commission.

Maritime pilots and docking pilots are required to show an identity badge, identity card, or such documents as the commission may require by regulation, to the master of vessel to which they are offering services.

The bill provides for various criteria which a docking pilot and a docking pilot apprentice must fulfill in order to be qualified by the commission and provides for the various functions which a docking pilot may perform.

The bill repeals various parts of chapter 8 of Title 12 of the Revised Statutes in furtherance of the bill's purposes of modernization and clarification of the pilotage statutes.

STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1375

with Senate Floor Amendments
(Proposed By Senator CODEY)

ADOPTED: JUNE 10, 2004

This amendment deletes section 26 of the current substitute and replaces it with a new section which is the same as section 26 of A-1983 ACS. This new section enumerates the circumstances under which vessels are to take maritime pilots or docking pilots and those vessels which are exempt from these requirements. It also provides for the payment of pilotage fees and the imposition of penalties for failure to take a maritime pilot, a provision which was not included in the section deleted by this amendment.

With this amendment, this bill is identical to A-1983 ACS.

ASSEMBLY, No. 1983

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JANUARY 26, 2004

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

SYNOPSIS

Revises pilotage laws.

CURRENT VERSION OF TEXT

As introduced.



A1983 ROBERTS

2

1 AN ACT concerning pilotage, amending various parts of the statutory
2 law and supplementing chapter 8 of Title 12 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) The Legislature finds and declares:

9 a. The State of New Jersey has responsibility for port security in
10 the Port of New York and New Jersey and, pursuant to federal law,
11 has the right and responsibility to regulate maritime pilotage in the
12 port.

13 b. In the aftermath of the terrorist attacks of September 11, 2001,
14 increased emphasis has been required by both the federal and state
15 governments on homeland security, with particular attention to the
16 security of American ports.

17 c. Although efforts have been made to enhance the defense of the
18 New York and New Jersey port area from terrorist attacks and to
19 implement improved immigration and customs procedures,
20 modernization and clarification of New Jersey's laws relating to those
21 who pilot and dock foreign and domestic vessels have not yet
22 occurred.

23 d. There is a need to provide for a system that will ensure the
24 proper and consistent identification, training, selection, oversight and
25 monitoring of both maritime pilots and docking pilots.

26 e. It is therefore in the public interest to modernize, clarify, revise
27 and expand New Jersey's maritime pilotage law, and to strengthen the
28 New Jersey pilotage commission by expanding its powers and duties
29 and clarifying that docking pilots are under its jurisdiction.

30 f. It is further in the public interest that the commission be charged
31 with the concurrent responsibility to ensure the safe operation and
32 navigation of vessels, to protect the environment and enhance the
33 economic viability of the port.

34
35 2. (New section) As used in chapter 8 of Title 12 of the Revised
36 Statutes:

37 "Apprentice" means a person who is listed as a qualified apprentice
38 with the commission pursuant to section 35 of P.L. , c. (C.)(now
39 before the Legislature as this bill) or who is on the commission's books
40 as an apprentice pursuant to R.S.12:8-10, R.S.12:8-11 or R.S.12:8-12.

41 "Bar of Sandy Hook" or "Bar" means the built-up area under the
42 waters between the northern most point of Sandy Hook extending
43 generally northeastward to the south shore of Long Island caused by
44 a deposit of sediment. The location of the Bar is not static.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

A1983 ROBERTS

1 "Commission" means the New Jersey Maritime Pilotage
2 Commission established pursuant to R.S.12:8-1.

3 "Commissioners" means the commissioners of maritime pilotage
4 appointed by the Governor pursuant to R.S.12:8-1.

5 "Docking Pilot" means a person licensed by the commission and
6 entered in the register maintained pursuant to section 36 of P.L. ,
7 c. (C.)(now before the Legislature as this bill).

8 "Maritime Pilot" "licensed pilot" or "Sandy Hook Pilot" means a
9 person licensed by the commission to pilot regulated vessels pursuant
10 to R.S.12:8-12 and a member of the United New Jersey Sandy Hook
11 Pilots' Benevolent Association or the United New York Sandy Hook
12 Pilots' Benevolent Association.

13 "Pilotage waters" mean boundary waters of the states of New
14 Jersey and New York, ports on those boundary waters, the Sandy
15 Hook, Raritan, Upper and Lower Bays of the port of New York and
16 New Jersey; the rivers Raritan, Hackensack, Passaic and Shrewsbury,
17 Newark Bay, Arthur Kill, Kill van Kull, the Bar at Sandy Hook and
18 waters easterly of the Bar on which regulated vessels navigate when
19 entering or departing the port of New York and New Jersey, ports
20 south of Sandy Hook to Atlantic City and waters easterly of these
21 ports which regulated vessels navigate when entering or departing
22 these ports.

23 "Pilots' Association" or "Association" means the United New Jersey
24 Sandy Hook Pilots' Benevolent Association or the United New Jersey
25 Sandy Hook Pilots' Association.

26 "President" means the president of the commission.

27 "Regulated vessel" means a vessel required by the laws of the states
28 of New Jersey or New York to take a state licensed maritime pilot.

29

30 3. R.S. 12:8-1 is amended to read as follows:

31 12:8-1. The governor, by and with the advice and consent of the
32 senate, shall appoint six commissioners of maritime pilotage,
33 hereinafter in this chapter called "commissioners", who shall hold their
34 offices, respectively, for three years and until a successor is appointed
35 and qualified. No more than three of the commissioners shall be
36 members of the same political party, and they shall be selected from
37 among such persons as have been officers in our naval, [revenue]
38 Coast Guard or merchant service, or [such as have been commanders
39 of vessels engaged in our coasting trade] have been duly qualified as
40 United States Merchant Marine Officers.

41 The Board of Commissioners of Pilotage of the State of New Jersey
42 in the Department of Environmental Protection, together with its
43 functions, powers and duties is continued as the New Jersey Maritime
44 Pilotage Commission (the "commission") in, but not of, the
45 Department of Environmental Protection. Nothing in this section shall
46 be construed as affecting the terms of office of the present

1 commissioners of pilotage. The commission shall consist of the
2 commissioners appointed pursuant to this section.

3 Each January, the commission shall elect from its membership a
4 president, vice president, treasurer and secretary. The commission
5 may employ an executive director and other employees or consultants
6 on such terms and conditions as it deems appropriate, without regard
7 to the provisions of Title 11A of the New Jersey Statutes.

8 The commissioners, and officers and employees of the commission
9 shall be enrolled in the Public Employees' Retirement System and shall
10 be eligible to participate in the State Health Benefits Program
11 established pursuant to the "New Jersey State Health Benefits Program
12 Act," P.L.1961, c.49 (C.52:14-17.25 et seq.). The commissioners, and
13 officers and employees who may currently be members of the Public
14 Employees' Retirement System shall continue in membership.

15 In case any commissioner shall die or resign, or otherwise become
16 disqualified to act, the governor shall forthwith fill such vacancy in the
17 same manner and for the same term as an original appointment.

18 (cf: R.S.12:8-1)

19

20 4. (New section) On and after the effective date of P.L. , c.
21 (C.) (now before the Legislature as this bill) any reference in any
22 law, rule, regulation, order, contract or document to the "Board of
23 Commissioners of Pilotage of the State of New Jersey" or the "board
24 of New Jersey pilot commissioners" shall be deemed to mean or refer
25 to the New Jersey Maritime Pilotage Commission in but not of the
26 Department of Environmental Protection.

27

28 5. R.S.12:8-2 is amended to read as follows:

29 12:8-2. The **[commissioners]** commission may make and establish
30 such rules, orders and regulations, not inconsistent with the
31 constitutions or the laws of this state or of the United States, for the
32 better government of the maritime pilots, [with] docking pilots, and
33 apprentices as defined in section 2 of P.L. c. (C.) (now before the
34 Legislature as this bill) to ensure safe operation of vessels and safe
35 navigation in order to maintain the highest levels of port security, to
36 protect the environment, ensure the most current and exacting levels
37 of training and enhance the economic viability of port facilities in the
38 port area and may provide for such fines and penalties for the violation
39 [thereof] of these rules, orders and regulations, as [they] it shall
40 deem proper. [They] It may from time to time revoke or amend any
41 such rule, order or regulation.

42 (cf: R.S.12:8-2)

43

44 6. R.S.12:8-3 is amended to read as follows:

45 12:8-3. No commissioner shall **[be concerned or]** have any direct
46 or indirect financial interest in the pilotage business.

47 (cf: R.S.12:8-3)

A1983 ROBERTS

1 7. R.S.12:8-4 is amended to read as follows:

2 12:8-4. The [commissioners, as compensation for their services
3 under this chapter, shall be entitled to receive one and one-half per
4 cent on the fees received by the pilots for pilotage, to be divided
5 among the commissioners according to the days they may have,
6 respectively, attended at any meeting] commission shall from time to
7 time establish the percentage of the fees received by maritime pilots
8 for pilotage which is to be remitted to the commission for its services
9 under this chapter. However, the percentage amount shall not be
10 greater than three percent of the pilotage fees. The amount received
11 by the commission shall be used to pay the commission's administrative
12 expenses, including but not limited to, the compensation of the
13 commissioners, their expenses, rent, utilities, employee salaries and
14 benefits. Compensation of the commissioners shall be \$28,000 per
15 annum. They shall not be entitled to receive [said] the commissions
16 on extra pilotage for boarding off-shore, or for fees received for what
17 is called transportation or harbor pilotage.

18 (cf: R.S.12:8-4)

19

20 8. R.S.12:8-5 is amended to read as follows:

21 12:8-5. The [commissioners] commission shall lay before the
22 legislature annually[, as early as the second week of the session]:

23 a. [All bonds taken by the commissioners pursuant to section
24 12:8-17 of this title;] (Deleted by amendment, P.L. , c.) (now
25 before the Legislature as this bill);

26 b. An abstract of the proceedings of the [commissioners]
27 commission within the [then] last year;

28 c. A statement of the number of licensed maritime pilots [in
29 commission], docking pilots and the number of vessels taken in and
30 out; and

31 d. Such observations in relation to the system of pilotage as in
32 [their] its opinion may tend to the benefit of the cause of commerce
33 and be of advantage to the general interest of the state.

34 (cf: R.S.12:8-5)

35

36 9. R.S.12:8-6 is amended to read as follows;

37 12:8-6. The president or in the absence of the president, any
38 member of the [board of New Jersey pilot commissioners]
39 commission may administer [an] the oath of office to any newly
40 appointed commissioner, deputy maritime pilot, full branch maritime
41 pilot, docking pilot or apprentice and an oath to any person
42 [preferring or rebutting a complaint] appearing before the [board]
43 commission. By majority vote, the commission may cause the issuance
44 of subpoena to compel the appearance of persons or the production of
45 documents.

46 (cf: R.S.12:8-6)

A1983 ROBERTS

1 10. R.S.12:8-7 is amended to read as follows:

2 12:8-7. [From any judgment, order or direction of the
3 commissioners affecting a pilot, an appeal may be taken to the
4 governor, who may affirm, reverse or modify the same. The appeal
5 shall be in writing, signed by a majority of the pilots and delivered to
6 the governor within twenty days after the judgment, order or direction
7 shall be promulgated by the commissioners, and shall state the
8 judgment, order or direction complained of and the grounds of the
9 appeal. A copy of the appeal shall be served upon the secretary of the
10 board of commissioners] An order or judgment of the commission
11 shall be considered final agency action under the "Administrative
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
13 (cf: R.S.12:8-7)

14

15 11. R.S.12:8-8 is amended to read as follows:

16 12:8-8. Whenever the services of a maritime pilot [by way of
17 Sandy Hook is] are required to pilot a vessel in pilotage waters,
18 [sailing from any other port in the United States bound in or over the
19 bar of Sandy Hook or into any bays, rivers, harbors, or ports of the
20 waters of this State between Sandy Hook, in the county of Monmouth
21 and the city of Atlantic City, in the county of Atlantic, written
22 application for the pilot must first be made by the master, owner or
23 consignee of the vessel to the commissioners. The commissioners
24 shall thereupon designate] the maritime pilots so to be employed shall
25 be employed in rotation[, according to the designated number of boats
26 in service, beginning with the lowest number, so that the company of
27 every boat in the service shall in their turn have the right to avail of
28 such employment].

29 The [commissioners] commission shall [enforce this regulation by
30 proper bylaws] approve any changes in the rotation system.

31 (cf: P.L.1991, c.76, s.1)

32

33 12. R.S.12:8-9 is amended to read as follows:

34 12:8-9. No person shall be licensed as a maritime or docking pilot
35 of this state[, by way of Sandy Hook], except as hereinafter in this
36 chapter provided.

37 (cf: R.S.12:8-9)

38

39 13. Section 6 of P.L.1991, c.76 (C.12:8-9.1) is amended to read as
40 follows:

41 6. Nothing in this amendatory and supplementary act shall be
42 construed to extend the requirement of pilotage to any type of vessel
43 that is not required to be piloted pursuant to [chapter 8 of Title 12 of
44 the Revised Statutes] the laws of this State, and any rules or
45 regulations established thereunder by the [Board of Commissioners of

1 Pilotage of the State of New Jersey, Division of Coastal Resources,
2 Department of Environmental Protection] commission or otherwise
3 exempted from the requirements of state pilotage regulations by
4 statutes of the United States.

5 (cf: P.L.1991, c.76, s.6)

6

7 14. R.S. 12:8-10 is amended to read follows:

8 12:8-10. The pilot boats employed by or belonging in whole or in
9 part to the United New Jersey Sandy Hook Pilots' Benevolent
10 Association, or to the United New Jersey Sandy Hook Pilots'
11 Association, shall be the only maritime pilot boats in the New Jersey
12 Sandy Hook pilot service, or in any bays, rivers, harbors, or ports of
13 the waters of this State or approaches to the waters of this State
14 between Sandy Hook, in the county of Monmouth and the city of
15 Atlantic City, in the county of Atlantic. Apprentices shall be attached
16 to the pilot boats of said association and the pilot boats may have
17 more than one apprentice.

18 The apprentices shall be entered in the books of the
19 [commissioners] commission in the name of and indentured to the
20 [executive committee of the association or the board of directors of
21 the] association, and shall serve as apprentices under the laws of this
22 State.

23 [Said executive committee or board of directors] The association
24 shall have the sole control of all apprentices, subject to the regulations
25 of the commission, until they have served [the full] a term of at least
26 four years and shall see that all apprentices entered in the
27 [commissioners'] commission's books [in its name] are fully
28 instructed in their duties in such manner as is necessary to fully qualify
29 them in every respect to perform the duties of a [Sandy Hook]
30 maritime pilot.

31 (cf: P.L.1991, c.76, s.2)

32

33 15. R.S. 12:8-11 is amended to read as follows:

34 12:8-11. Apprentices shall serve at least four years [and at least
35 three consecutive years as apprentice, boat keeper or assistant boat
36 keeper] and for such longer periods of time as may be required by the
37 commission. They shall be examined by the [commissioners]
38 commission as directed by law and thereafter licensed as a deputy
39 maritime pilot, at the discretion of the [commissioners] commission.
40 The apprentices herein provided for shall be the only apprentices to be
41 appointed or employed by the New Jersey Sandy Hook pilots.

42 (cf: R.S.12:8-11)

43

44 16. R.S. 12:8-12 is amended to read as follows:

45 12:8-12. [Every person who shall have served two years as a

1 deputy pilot shall be entitled to be examined and licensed as a full
2 branch pilot, if found qualified] Only a person who has successfully
3 served an apprenticeship with the New Jersey or New York Sandy
4 Hook Pilots' Benevolent Associations and passed an examination
5 approved by the commission shall be licensed as a deputy maritime
6 pilot or maritime pilot of the State of New Jersey. A person so
7 licensed is to be known as a Sandy Hook Pilot. No New Jersey
8 licensed maritime pilot or deputy maritime pilot may be licensed by
9 another state without the prior permission of the commission and
10 under such terms and conditions as the commission may require.

11 (cf: R.S.12:8-12)

12

13 17. R.S.12:8-13. is amended to read as follows:

14 12:8-13. [The commissioners, or a majority of them,] Upon a
15 specific finding of an emergency, the commission may permit for such
16 time as the emergency exists and at [their] its discretion, any person
17 to act as a [branch] maritime or docking pilot as hereinafter provided
18 for, off the bar of Sandy Hook, or of the river Raritan, or of the harbor
19 of Jersey City, Newark or Perth Amboy, after having examined such
20 person in the manner hereinafter mentioned and made such inquiries
21 respecting [him] such person and [his] the person's qualifications as
22 to the [commissioners] commission shall appear necessary and
23 expedient.

24 (cf: R.S.12:8-13)

25

26 18. R.S.12:8-14 is amended to read as follows:

27 12:8-14. The [commissioners] commission, before granting to an
28 applicant a [branch or] license to [act] serve as a [pilot or] deputy
29 maritime pilot, shall [call the applicant before them and examine him
30 or cause him to be examined touching his qualifications for such an
31 employment, and,] require the applicant to pass a qualifying
32 examination approved by the commission for such service, examining
33 in particular, [his] the applicant's knowledge of the tides, soundings,
34 bearings and distances of the several shoals, rocks, bars and points of
35 land, and such other matters deemed by the commission as relevant to
36 the safe navigation of vessels in the navigation for which [he] the
37 applicant applies for a [branch or] license. Only applicants certified
38 by the New York or New Jersey Sandy Hook Pilots' Benevolent
39 Association as having successfully completed the apprenticeship shall
40 be eligible to apply for a license to serve as maritime deputy pilots.

41 The examination shall be prescribed, administered and graded under
42 the supervision of the commission and may be conducted in the
43 presence of one or more full maritime branch pilots of this [state who
44 shall be personally notified to attend, but if the maritime pilot or pilots
45 so notified fail to attend, the examination may be held without their

1 assistance or presence] State. The commission shall by regulation
2 establish grades of maritime pilots. For each grade, the commission
3 shall specify the draft and tonnage of vessels a maritime pilot in that
4 grade is authorized to pilot and the time in grade required to advance
5 to the next highest grade. Maritime pilots achieving the highest grade
6 shall be full branch maritime pilots.

7 (cf: R.S.12:8-14)

8

9 19. R.S.12:8-15 is amended to read as follows:

10 12:8-15. Certificate of appointment as a maritime pilot. The
11 [commissioners] commission shall give to every person appointed by
12 [them] it as a [branch pilot or] deputy or full branch maritime pilot,
13 a certificate of appointment or license signed by a majority of [them,
14 or by their chairman, or by their direction, which certificate shall be
15 presented to the Secretary of State] the commissioners. At the time
16 the commission advances a maritime pilot in grade, the secretary shall
17 endorse the certificate noting the advancement in grade.

18 (cf: P.L.1987, c.435, s.1)

19

20 20. R.S.12:8-16 is amended to read as follows:

21 12:8-16. Whenever a person [shall produce to the Governor, or,
22 in case of his absence from the seat of government, to the Secretary of
23 State, a certificate of appointment from the commissioners, or a
24 majority of them, the Governor or the Secretary of Sate, as the case
25 may be, shall administer to such person the following oath] is first
26 licensed as a maritime pilot, the president of the commission, or in the
27 absence of the president, any commissioner, shall administer to that
28 person the following oath:

29 "I, A.B., do solemnly swear (or affirm), that I will well and
30 faithfully, and according to the best of my skill and knowledge,
31 execute and discharge the business and duty of a [.....
32 branch] maritime deputy (full branch) pilot for [the] pilotage waters
33 including, but not limited to, the bar, Jersey City, Newark, and Perth
34 Amboy and harbor of Sandy Hook, and any bays, rivers, harbors, or
35 ports of the waters of this State between Sandy Hook, in the county
36 of Monmouth and the city of Atlantic City, in the county of Atlantic,
37 and that I will at all times use my best endeavors to repair on board all
38 ships and vessels that I shall see and conceive to be bound for, or
39 coming into, or going out of the harbor and bodies of water aforesaid,
40 unless I am well assured that some other licensed pilot is then on
41 board the same; and I do further swear (or affirm), that I will, from
42 time to time and at all times, make the best dispatch in my power to
43 bring safely over the bar at Sandy Hook and into any bays, rivers,
44 harbors, or ports of the waters of this State between Sandy Hook, in
45 the county of Monmouth and the city of Atlantic City, in the county of

1 Atlantic, every vessel committed to my care in coming in or going out;
2 and that I will, from time to time and at all times, truly observe, follow
3 and fulfill, to the best of my skill, ability, and knowledge, all such
4 orders and directions as I shall or may receive from the
5 [commissioners of pilotage] New Jersey Maritime Pilotage
6 Commission, relative to all matters or things that may appertain to the
7 duty of a pilot."

8 [The Secretary of State shall charge a fee of \$25.00 for
9 administering the oath.]

10 (cf: P.L.1991, c.76, s.3)

11

12 21. R.S. 12 8-18 is amended to read as follows:

13 12:8-18. The [commissioners] commission may direct all maritime
14 pilots [of the bar and harbor mentioned in section 12:8-13 of this title]
15 to deliver up their former and take out new licenses whenever so
16 required, but no maritime pilot shall be charged a fee for such a new
17 license. Every maritime pilot not complying with these conditions
18 shall forthwith forfeit his license and be disqualified to act as a
19 maritime pilot for twelve months, and shall afterwards obtain no
20 maritime pilot's license unless he be readmitted under the same
21 formalities as one applying in the first instance.

22 (cf: R.S. 12:8-18)

23

24 22. R.S. 12:8-19 is amended to read as follows:

25 12:8-19. The [commissioners or a majority of them may take away
26 the branch of any pilot or deputy pilot and declare his license null and
27 void whenever it shall appear to them that such pilot:

28 a. Has willfully infringed or violated this chapter or the orders of
29 the commissioners;

30 b. Has negligently lost any vessel under his care;

31 c. Is laboring under a mental derangement so as to be incapable of
32 attending to business; or

33 d. Is so addicted to the habits of intoxication as to be unfit to be
34 intrusted with the charge of a vessel] commission may revoke or
35 suspend the license or route or reduce the grade of a maritime pilot or
36 the license of a docking pilot who has willfully or negligently infringed
37 on or violated this chapter or the regulations of the commission, or has
38 failed to perform the duties in a manner expected of a prudent
39 maritime pilot or docking pilot or may set such other conditions as it
40 deems appropriate for such infringement or violation.

41 (cf: R.S.12:8-19)

42

43 23. R.S.12:8-20 is amended to read as follows:

44 12:8-20. If a maritime pilot or a docking pilot has forfeited [his
45 branch] any license or is no longer entitled to the use of [his] such

1 license by virtue of sections 12:8-18 and 12:8-19 of this title, and of
2 section 36 of P.L. _____, c. _____ (C. _____) (now before the Legislature as
3 this bill), the [commissioners may call on him for] commission shall
4 demand the surrender of [his] the license. Upon [his] a refusal to
5 give up the license on demand, the [commissioners] commission shall
6 [publish a notice for one week in a newspaper or newspapers of Jersey
7 City or Newark, or in such other newspapers] notify those individuals
8 and agencies as [they] it shall deem appropriate and necessary, that
9 such person has no longer a right to act as a maritime pilot [until he
10 is reinstated according to law] or a docking pilot.
11 (cf: R.S.12:8-20)

12

13 24. R.S.12:8-21 is amended to read as follows:

14 12:8-21. Before a maritime pilot or a docking pilot shall be
15 deprived of [his] a [branch or] license, or suspended from acting
16 thereunder, or reduced in grade, he shall be [summoned by a notice in
17 writing] compelled to appear before the [commissioners, at such time
18 as shall be specified in the notice,] commission to show cause[, if any
19 he may have,] against his suspension or the revocation of his [branch
20 or] license. The notice shall be delivered to [him personally or be left
21 at his usual place of abode, at least] such maritime pilot or docking
22 pilot not less than fifteen days before the time specified in the notice
23 for his appearance. If the maritime pilot or docking pilot neglects or
24 refuses to appear before the [commissioners] commission at the time
25 specified in the notice, or if the cause shown by him against his
26 suspension or the revocation of his [branch or] license shall appear
27 insufficient to the [commissioners] commission, [they] it may either
28 revoke [his branch or] the license or suspend him from acting as a
29 maritime pilot or a docking pilot or reduce him in grade; except that
30 the president of the commission, or in the absence of the president, the
31 president's designee, may immediately and temporarily, for a period
32 not to exceed 30 days, suspend the license of any maritime pilot or
33 docking pilot upon a determination that because of the maritime pilot's
34 or docking pilot's mental or physical health or use of alcohol or
35 controlled dangerous substance the pilot cannot safely perform the
36 pilot's duties.

37 (cf: R.S.12:8-21)

38

39 25. R.S.12:8-31 is amended to read as follows

40 12:8-31. A maritime pilot who is carried to sea[,] when a boat is
41 attending to receive him shall receive at the rate of one [hundred]
42 thousand dollars per [month] day and his reasonable expenses[,]
43 during his [necessary] absence.

44 (cf: R.S.12:8-31)

1 26. R.S.12:8-35 is amended to read as follows:

2 12:8-35. [All masters of foreign vessels and vessels from a foreign
3 port, and all vessels sailing under register, bound in or over the bar of
4 Sandy Hook or into any bays, rivers, harbors, or ports of the waters
5 of this State between Sandy Hook, in the county of Monmouth and the
6 city of Atlantic City, in the county of Atlantic, shall take a licensed
7 pilot, or in case of refusal to take such pilot] Every United States
8 vessel and every foreign vessel shall take a state licensed maritime
9 pilot when entering or leaving pilotage waters and shall take a licensed
10 maritime pilot or docking pilot, as provided for herein, when otherwise
11 underway in pilotage waters. This requirement shall not apply to:

12 a. a vessel documented under the United States flag and operating
13 in a coastwise trade;

14 b. a public vessel of the United States or a vessel otherwise exempt
15 from state pilotage regulation by United States law; or

16 c. a yacht of less than 200 feet in length.

17 If a regulated vessel under way on state pilotage waters fails to take
18 a maritime pilot, the master, owner, agent or [consignee] charterer
19 shall pay the pilotage fees as if one had been employed[, and such
20 pilotage shall be paid to the pilot first speaking or offering his services
21 as pilot to such vessel] and be subject to penalties under the
22 commission's regulations.

23 (cf: R.S.12:8-35)

24

25 27. R.S. 12:8-39 is amended to read as follows:

26 12:8-39. Every master of a vessel shall give an account to the
27 maritime and docking pilot, when boarding, of the [draft] deep drafts,
28 air drafts and other information necessary to the safe navigation of the
29 vessel. If the [draft given] information is [less than the actual draft]
30 not provided or incorrect, the master shall be liable to a penalty of
31 twenty-five thousand dollars which may be sued for by the [New
32 Jersey pilots under the certified order of the commissioners]
33 commission and applied as directed in section 12:8-48 of this title.

34 (cf: R.S.12:8-39)

35

36 28. R.S.12:8-40 is amended to read as follows:

37 12:8-40. The maritime pilots shall, once in each month, account to
38 the [commissioners] commission for the fees received by them for
39 pilotage. The commission may require such additional financial
40 information as it deems necessary to effectuate the purposes of this
41 chapter, provided that such additional information, being proprietary,
42 shall not be subject to public disclosure under P.L.1963, c.73
43 (C.47:1A-1 et seq.).

44 (cf: R.S.12:8-40)

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13

1 29. R.S.12:8-44 is amended to read as follows:

2 12:8-44. The commission shall from time to time issue each
3 commissioner, employee, maritime pilot and docking pilot a badge
4 signifying his office. The commission shall, on the anniversary date of
5 each maritime pilot and docking pilot, issue an identity card bearing a
6 picture of the recipient, along with the recipient's description and other
7 pertinent identifying information as the commission deems necessary
8 for the enhancement of security in the port of New York and New
9 Jersey.

10 Every maritime pilot and docking pilot, on offering his services to
11 the master of a vessel, shall produce and show to the master his
12 [warrant of appointment and license granted him pursuant to this
13 chapter, under the penalty of ten dollars for every neglect] identity
14 badge, identity card and current merchant marine document.
15 (cf: R.S.12:8-44)

16

17 30. R.S.12:8-47 is amended to read as follows:

18 12:8-47. Any person not holding a license as a maritime pilot or
19 docking pilot under the laws of this state or of the state of New York,
20 who shall pilot or offer to pilot a regulated vessel, on state pilotage
21 waters, [not exempted by the laws of this state from pilotage, to or
22 from the ports of Jersey City, Newark or Perth Amboy, by way of
23 Sandy Hook or Kill von Kull,] or any person on board a steam tug or
24 towboat who shall tow a regulated vessel on pilotage waters not
25 having a licensed pilot or docking pilot on board shall be guilty of a
26 [misdemeanor and punished by a fine not exceeding one hundred
27 dollars or imprisonment not exceeding sixty days] crime of the fourth
28 degree, except that the fine may be up to \$50,000.

29 [All persons employing a person, not holding a license, to act as
30 pilot, shall forfeit to the pilots suing therefor in behalf of themselves
31 and the commissioners, the sum of one hundred dollars.]

32 (cf: R.S.12:8-47)

33

34 31. (New section) The maritime pilots shall provide vessels or
35 aircraft to embark and disembark maritime pilots to and from vessels
36 required to take a maritime pilot. The general location and type of
37 vessels or aircraft shall be approved by the commission after
38 consultation with the maritime pilots and Commissioners of Pilotage
39 of the State of New York. Maritime pilots assigned to inbound vessels
40 or vessels operating on the waters of this State or boundary waters of
41 this State and the state of New York are not entitled to their discharge
42 until the vessel has arrived at a safe anchorage or is secure in a berth.
43 Maritime pilots assigned to outbound vessels are not entitled to their
44 discharge until the vessel has been brought to a safe anchorage or has
45 reached the pilot station or a point substantially seaward of the sea
46 buoys, or, upon their removal, of the entrance buoys, for Ambrose or
47 Sandy Hook channels.

1 32. (New section) The fees for pilotage for vessels not exempted
2 from state pilotage by any law of the United States shall be as follows:

3 a. For every vessel entering or departing or underway on the
4 pilotage waters not including those south of Sandy Hook the pilotage
5 rates shall be the same as those charged by maritime pilots licensed by
6 the state of New York, except that, unless otherwise ordered by the
7 commission, a change in rates by New Jersey licensed pilots shall not
8 be effective until thirty days after the effective date of a rate change by
9 pilots licensed by the state of New York.

10 b. Pilotage rates for vessels entering or departing ports and
11 underway on waters of ports south of Sandy Hook to, and including,
12 Atlantic City shall be established by the commission.

13 c. Pilotage rates for intermediate or intra-harbor movement of
14 vessels shall be established by the commission after conferring with the
15 New York Pilotage Commission.

16 Nothing in this section shall pertain to the rates charged by docking
17 pilots.

18
19 33. (New section) A person may qualify within 12 months of the
20 effective date of P.L. , c. (C.)(now before the Legislature as
21 this bill) as a docking pilot without fulfilling the apprentice docking
22 pilot requirements of this chapter if the person:

23 a. Has been regularly engaged, other than as a member of a vessel's
24 crew, for the purpose of docking and undocking and the movement of
25 not fewer than one hundred seagoing vessels of not less than ten
26 thousand registered gross tons on the waters of the port of New York
27 and New Jersey during the two-year period immediately prior to the
28 effective date of P.L. , c. (c.)(now before the Legislature
29 as this bill);

30 b. Holds a current first class pilot's license issued by the United
31 States Coast Guard or a first class pilot endorsement to a license
32 issued by the United States Coast Guard authorizing the piloting of
33 vessels of any tonnage, and endorsed for the routes in which the
34 services of a docking pilot are permitted, and executes an
35 authorization permitting the commission to obtain from the United
36 States Coast Guard information pertaining to the applicant's Coast
37 Guard license and records;

38 c. Holds a current unlimited radar observer's certificate required by
39 the United States Coast Guard;

40 d. Has participated in and successfully completed a United States
41 Department of Transportation, Department of Homeland Security, or
42 their successor's, drug screening and testing program mandated for
43 mariners and executed an authorization permitting the commission to
44 obtain from that organization information pertaining to the applicant's
45 drug screening and testing;

1 e. Has been examined by a licensed physician in the manner
2 prescribed by the United States Coast Guard no less than once each
3 year and been declared by the examiner competent to perform the
4 duties of a docking master;

5 f. Submits an application for review and approval by the
6 commission, which approval shall not be unreasonably withheld ; and

7 g. Pays any required annual fee established by the regulations of
8 the commission.

9
10 34. (New section) To be initially considered as a docking pilot
11 apprentice applicant, a person shall submit the following
12 documentation to the commission:

13 a. A current first class pilot's license or a first class pilot
14 endorsement to a license issued by the United States Coast Guard
15 authorizing the piloting of vessels of any tonnage and endorsed for the
16 waters for which service may be required and an authorization
17 executed permitting the commission to obtain from the United States
18 Coast Guard information pertaining to the applicant's Coast Guard
19 license and records;

20 b. Evidence that the person holds a current unlimited radar
21 observer's certificate required by the United States Coast Guard;

22 c. Evidence of participation in a United States Department of
23 Transportation required drug screening and testing program;

24 d. Evidence of a current physical examination by a licensed
25 physician in a manner prescribed by the United States Coast Guard and
26 that the person has been declared competent by the physician to
27 perform the duties of a docking pilot;

28 e. Written documentation that the person has not less than ten
29 years experience in the maritime industry, including, but not limited to,
30 credits at an approved United States maritime college; and deck
31 experience, provided that the person shall have served not less than
32 five years as a licensed mate or master; and

33 f. Such additional documentation as the commission may require.
34

35 35. (New section) To qualify as a docking pilot apprentice a
36 person shall, in addition to the requirements of section 34 of P.L., c.
37 (C.) (now before the Legislature as this bill), have:

38 a. Performed at least 25 dockings, undockings and harbor ship
39 movements on routes for which the applicant applies to be licensed as
40 a docking pilot under the supervision of a docking pilot;

41 b. Observed not less than 200 harbor movements of seagoing
42 vessels of not less than 10,000 registered tons under the close
43 supervision of a docking pilot;

44 c. Successfully completed a docking pilot apprentice program
45 approved by the commission prior to application to the commission for
46 licensing as a docking pilot; and

47 d. Submitted an application to the commission for review and

1 approval. Upon having the application declared complete and
2 acceptable by the commission, the applicant's name shall be added to
3 a list of qualified apprentices. After considering the need for
4 additional qualified docking pilots, the commission may, in its sole
5 discretion, thereafter appoint successful applicants as docking pilots
6 from the list of qualified apprentices. To ensure recency, prior to
7 issuing a license under this section, the commission may require the
8 applicant to conduct additional dockings, undockings and intra-harbor
9 movements under the supervision of a docking pilot.

10
11 36. (New section) The commission shall enter on a register
12 maintained by it the names and status of all persons who demonstrate
13 to the satisfaction of the commission they meet the requirements of
14 section 33 or 35 of P.L. , c. (C.) (now before the Legislature as this
15 bill) and who submit to the commission an initial license fee and an
16 annual license fee in such amounts as the commission shall from time
17 to time prescribe by regulation. The commission may refuse to license
18 or may suspend or revoke the license of any person who does not
19 comply with the requirements of section 33 of P.L. , c. (C.)
20 (now before the Legislature as this bill), or other lawful requirements
21 of the commission.

22
23 37. (New section) a. A docking pilot is authorized upon the
24 approval of the master of a vessel to:

25 (1) Dock or undock vessels; direct the navigation of vessels within
26 the harbor being moved from an anchorage to an anchorage or to a
27 berth; direct the navigation of vessels within the harbor being moved
28 from a berth to an anchorage or another berth; direct the navigation of
29 vessels departing the port until relieved by a maritime pilot licensed by
30 the commission or the pilotage commission of the state of New York,
31 at such locations where by custom and practice prior to the effective
32 date of P.L. , c. (C.)(now before the Legislature as this bill)
33 such relief took place, provided that the maritime pilot, docking pilot
34 and the vessel's master concur that the relief can be accomplished
35 without compromising the safe navigation of the vessel and further
36 provided that the commission may in the interest of safety of
37 navigation by regulation establish the locations for such relief to take
38 place; and

39 (2) Direct the navigation of vessels entering the port upon relieving
40 a maritime pilot licensed by this commission or the pilotage
41 commission of the State of New York for the purpose of docking
42 such vessels at such points where by custom and practice prior to the
43 effective date of P.L. , c. (C.)(now before the Legislature as
44 this bill) such relief took place, provided that the relief can be
45 accomplished without compromising the safe navigation of the vessel
46 and further provided that the commission may in the interest of safety
47 of navigation by regulation establish the locations for such relief to

1 take place.

2 b. Nothing in the provisions authorizing the licensing of docking
3 pilots is intended to authorize licensed docking pilots to pilot
4 regulated vessels on pilotage waters as they enter or leave the Port of
5 New York and New Jersey.

6 c. Nothing in the provisions of this section is intended to preclude
7 licensed maritime pilots from docking or undocking vessels,
8 conducting in harbor movements of vessels or piloting vessels on
9 pilotage waters.

10

11 38. (New section) A docking pilot or maritime pilot licensed by
12 the state of New Jersey or applying for a license is deemed to
13 authorize the commission to obtain, from time to time, the National
14 Drivers Registry records pertaining to the docking pilot or maritime
15 pilot and from his employer or association records pertaining to the
16 docking pilot's or maritime pilot's participation in a drug testing
17 program and the results of drug or alcohol tests issued by a testing
18 facility.

19

20 39. The following are repealed:

21 R.S.12:8-17; R.S.12:8-22; R.S.12:8-23; R.S.12:8-24; R.S.12:8-25;
22 R.S.12:8-26; R.S.12:8-27; R.S.12:8-28; R.S.12:8-29; section 5 of
23 P.L.1991, c.76 (C.12:8-29.1); R.S.12:8-30; R.S.12:8-32; R.S.12:8-33;
24 R.S.12:8-34; R.S.12:8-41; R.S.12:8-42; R.S.12:8-43; R.S.12:8-45;
25 R.S.12:8-46.

26

27 40. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 The purpose of this bill is to strengthen the security of the Port of
33 New York and New Jersey and enhance its economic and
34 environmental viability by clarifying and modernizing the provisions of
35 chapter 8 of Title 12 of the Revised Statutes pertaining to maritime
36 pilots. Under current law, New Jersey maritime pilots are subject to
37 the jurisdiction of the Board of Commissioners of Pilotage of the State
38 of New Jersey. New York has a corresponding New York Pilotage
39 Commission with jurisdiction over New York pilots.

40 The bill renames the New Jersey Board as the New Jersey Maritime
41 Pilotage Commission (" the commission") and allocates it in, but not
42 of, the Department of Environmental Protection. Although the
43 commission's membership is to remain the same, the bill provides
44 specifically that the commission is to elect officers from among its
45 members and may employ an executive director and other employees
46 and consultants outside of the civil service laws.

47 The commission is given the authority to regulate and license

1 docking pilots in addition to its current duty of regulating and
2 licensing maritime pilots.

3 The current one and one half percent of pilotage fees received from
4 maritime pilots as compensation to the commissioners is increased to
5 a maximum of three percent, the actual assessment to be determined
6 by the commission, and is to be used not only for the compensation of
7 the commissioners but also for the commission's other administrative
8 expenses. The compensation received by the commissioners is to be
9 established at a public meeting of the commission but is to be not less
10 than the compensation received during fiscal year 2004.

11 The bill modernizes or clarifies provisions relating to appeals of the
12 commission's orders or judgements, maritime pilot and docking pilot
13 apprenticeships, promotions and oaths, suspension and revocation of
14 licenses, stationing of pilot boats, pilotage rates, penalties for piloting
15 without a license and furnishing of financial information to the
16 commission.

17 Maritime pilots and docking pilots are required to show an identity
18 badge and identity card, issued by the commission, to the master of
19 vessel to which they are offering services.

20 The bill provides for various criteria which a docking pilot and a
21 docking pilot apprentice must fulfill in order to be qualified by the
22 commission and provides for the various functions which a docking
23 pilot may perform.

24 The bill repeals various parts of chapter 8 of Title 12 of the Revised
25 Statutes in furtherance of the bill's purposes of modernization and
26 clarification of the pilotage statutes.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1983**

STATE OF NEW JERSEY

DATED: MAY 17, 2004

The Assembly Transportation Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 1983.

The purpose of this substitute bill is to strengthen the security of the Port of New York and New Jersey and enhance its economic and environmental viability by clarifying and modernizing the provisions of chapter 8 of Title 12 of the Revised Statutes pertaining to maritime pilots. Under current law, New Jersey maritime pilots are subject to the jurisdiction of the Board of Commissioners of Pilotage of the State of New Jersey in but not of the Department of Law and Public Safety. New York has a corresponding New York Pilotage Commission with jurisdiction over New York pilots.

The bill renames the New Jersey Board as the New Jersey Maritime Pilot and Docking Pilot Commission ("the commission") and allocates it in, but not of, the Department of Transportation. The bill also provides that the commission is to elect officers from among its members and may employ an executive director and other employees outside of the civil service laws.

The commission is given the authority to regulate and license docking pilots in addition to its current duty of regulating and licensing maritime pilots. However, the commission is not to exercise any control or authority over docking pilot rates, pensions, benefits or other compensation of docking pilots. In addition, nothing in the pilotage law is to affect the right of the owner, operator or master of a regulated vessel to choose, select or engage an individual docking pilot or tugboat company.

The current one and one half percent of pilotage fees received from maritime pilots as compensation to the commissioners is increased to a maximum of three percent, the actual assessment to be determined by the commission, and is to be used not only for the compensation of the commissioners but also for the commission's other administrative expenses. The compensation received by the commissioners is to be \$28,000 per annum.

The bill modernizes or clarifies provisions relating to appeals of the commission's orders or judgments, maritime pilot and docking pilot apprenticeships, promotions and oaths, suspension and revocation of

licenses, stationing of pilot boats, pilotage rates, penalties for piloting without a license and furnishing of financial information to the commission.

Maritime pilots and docking pilots are required to show an identity badge, identity card, or such documents as the commission may require by regulation, to the master of vessel to which they are offering services.

The bill provides for various criteria which a docking pilot and a docking pilot apprentice must fulfill in order to be qualified by the commission and provides for the various functions which a docking pilot may perform.

The bill repeals various parts of chapter 8 of Title 12 of the Revised Statutes in furtherance of the bill's purposes of modernization and clarification of the pilotage statutes.